

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

ROBERT EUGENE ALLEN

CIVIL ACTION

VERSUS

No. 17-4091

ST. TAMMANY PARISH ET AL.

SECTION I

ORDER

Before the Court is an ex parte motion¹ filed by plaintiff for leave to file an untimely appeal. The Court notes that plaintiff previously filed a notice of appeal on January 22, 2018,² two days before the Court entered judgment.³ It appears that plaintiff never pursued his appeal.

To the extent that plaintiff seeks permission to file a second notice of appeal, plaintiff has not demonstrated “excusable neglect or good cause” to justify the extension of his time to file such notice.⁴ Fed. R. App. P. 4(a)(5)(A)(ii); see *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 395 (1993) (interpreting the phrase “excusable neglect” in the context of the federal bankruptcy

¹ R. Doc. No. 29.

² R. Doc. No. 26.


³ R. Doc. No. 28. “A notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry.” Fed. R. App. P. 4(a)(2).

⁴ Plaintiff offers no explanation as to why he did not pursue his appeal after the Court entered judgment. See R. Doc. No. 29. Rather, he simply objects to the Court’s final disposition of his case, stating that “[t]hroughout this filing of this complaint, plaintiff has requested that ‘no final disposition’ be made until ‘all’ medical results/testing were completed.” *Id.* at 1. This objection, however, does not explain his failure to timely pursue his case before the Fifth Circuit.

rules); *Halicki v. La. Casino Cruises, Inc.*, 151 F.3d 465, 469 (5th Cir. 1998) (extending *Pioneer* to Federal Rule of Appellate Procedure 4(a)(5)). Accordingly,

IT IS ORDERED that the motion is **DENIED**.

New Orleans, Louisiana, May 1, 2018.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE