

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WARREN PALMER III (#318473)

CIVIL ACTION

VERSUS

BURL CAIN, ET AL.

NO. 07-0461-FJP-CN

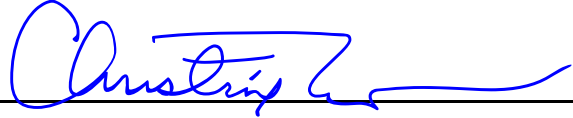
R U L I N G

Following an adverse ruling disposing of his claims on motion for summary judgment, the plaintiff appealed to the United States Court of Appeals for the Fifth Circuit. The appellate court, noting sua sponte that the plaintiff's Notice of Appeal was untimely filed, interpreted correspondence forwarded by the plaintiff with the Notice as a timely motion for extension of time to file his appeal. Accordingly, the Fifth Circuit has remanded the matter to this Court for a determination regarding whether the plaintiff is able to show excusable neglect or good cause for the granting of such extension pursuant to Rule 4(a)(5), Fed. R. App. P. Accordingly,

IT IS ORDERED that, within twenty (20) days of the date of this Order, the plaintiff shall file a response, in writing, providing the Court with an explanation for the lateness of filing of his Notice of Appeal and advising the Court of his purported good faith and excusable neglect with regard to such late filing. In addition, the plaintiff shall provide the Court, within twenty (20) days of the date of this Order, copies of his prison mail records reflecting his sending and receipt of legal and/or personal mail during the months of August, September and October, 2008. The plaintiff is advised that a failure to respond to this Order within the time allowed may result in the Court's

recommendation that the plaintiff's appeal be dismissed without further notice from the Court.

Signed in chambers in Baton Rouge, Louisiana, January 27, 2009.

A handwritten signature in blue ink, appearing to read "Christine Noland", is written over a horizontal line.

MAGISTRATE JUDGE CHRISTINE NOLAND