


APR 27 2016

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

IRA JEROME ROSS

CIVIL ACTION NO. 1:15-01943

VERSUS

JUDGE JAMES T. TRIMBLE, JR.

LA DEPT OF CORRECTIONS

MAG. JUDGE PEREZ-MONTES

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MEMORANDUM RULING

Pursuant to the Order of the Fifth Circuit Court of Appeal (R. #25) dated April 20, 2016, an evidentiary hearing was conducted by the undersigned on this date. After considering the testimony and documentary evidence introduced by the plaintiff and arguments by plaintiff and counsel for defendants, the court has determined that the Notice of Appeal by plaintiff, Ross was deposited at Avoyelles on November 11, 2015, which was two days past the time specified of filing said notice. Documents filed on October 29, 2015 and earlier in November clearly pertain to the Notice of Intent to Seek Writs (R. #15) from the District Court. This would not have enlarged the time for filing petitioner's notice of appeal which was obviously untimely. Accordingly, it is

ORDERED that the Clerk send a copy of this Memorandum Ruling to the Fifth Circuit Court of Appeal as part of its record in its docket number 15-31013 entitled Ira Ross v. Louisiana Dept. of Corr., et al, USDC No. 1:15-cv-1943.

THUS DONE AND SIGNED in chambers on this 27th day of April, 2016.



JUDGE JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE

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