

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

BEVERLY ANN LAVIGNE)	
)	
v.)	Civil No. 1:16-cv-00098-JAW
)	Bankruptcy No. 16-20035
US TRUSTEE, et al.)	

ORDER OVERRULING OBJECTIONS TO COURT ORDER

On August 3, 2018, the Court issued an Order dismissing Beverly Ann Lavigne’s bankruptcy appeal. *Order Dismissing Bankruptcy Appeal* (ECF No. 74). On August 6, 2018, the Clerk’s Office issued a judgment entering the judgment of dismissal, *J.* (ECF No. 75), and on August 15, 2018, the Clerk’s Office issued an amended judgment correcting a clerical error. *Am. J.* (ECF No. 76). On August 29, 2018, Ms. Lavigne filed a motion to extend time within which to file a notice of appeal. *Mot. for Time Extension to File Appeal for August 3rd, 2018 Order* (ECF No. 77). On August 30, 2018, the Court granted her motion, extended the time within which Ms. Lavigne was required to file a notice of appeal to September 24, 2018, and warned Ms. Lavigne that if she failed to file a timely notice of appeal, she will have waived the right to appeal the Court’s judgments. *Order Granting Mot. for Extension* (ECF No. 78). On September 24, 2018, Ms. Lavigne filed with this Court a document she captioned “Objection to August 3, 2018 Order of Judge John A. Woodcock.” *Obj. to Aug. 3, 2018 Order of Judge John A. Woodcock* (ECF No. 79).

The Court is not clear whether Ms. Lavigne’s September 24, 2018 filing is an attempt to appeal the August 3, 2018 order and subsequent judgments or whether it

is an objection to the August 3, 2018 order directed to this Court. Whether Ms. Lavigne's September 24, 2018 filing constitutes an effective notice of appeal is for the Court of Appeals for the First Circuit, not this Court, to resolve.

If Ms. Lavigne is requesting that this Court reconsider its August 3, 2018 order and subsequent judgments, the Court DENIES her motion. First, the motion is too late. Ms. Lavigne's motion for extension was expressly limited to filing a notice of appeal, not one of the post-judgment motions under Federal Rule of Appellate Procedure 4(a)(4)(i)-(vi), and therefore the Court's August 30, 2018 order granting the motion for extension did not extend the time for her to file a post-judgment motion with this Court. If Ms. Lavigne is asking this Court to reconsider its August 3, 2018 order, she had to file the motion at most 28 days after the date the amended judgment was docketed or by September 13, 2018. Her September 24, 2018 filing is beyond time. Second, if the Court were to reach the merits of her objections, it would reject them as non-meritorious.

The Court OVERRULES Beverly Ann Lavigne's Objection to August 3, 2018 Order of Judge John A. Woodcock (ECF No. 79) to the extent her objection seeks reconsideration by this Court of its August 3, 2018 order. The Court expresses no opinion as to whether her Objection to August 3, 2018 Order of Judge John A. Woodcock is an effective notice of appeal under Federal Rule of Appellate Procedure 4.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 26th day of September, 2018