

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTHONY BUTLER FORD,

Plaintiff,

v.

IAN WALLACE, et al.,

Defendants.

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No. 1:14CV112 SNLJ

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for extension of time to file a notice of appeal. *See* Doc. #33. Plaintiff, an inmate at Southeastern Correctional Center ("SECC"), claims that he has been on "conditional lockdown" and been unable to access the prison law library "adequately and in a timely manner." The Court will grant the motion in part.

Under Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure, this Court may extend the time for filing a notice of appeal if the "party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires" and if the "party shows excusable neglect or good cause." "No extension under . . . Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later." Fed. R. App. P. 4(a)(5)(C). The United States Court of Appeals for the Eighth Circuit has counseled that pro se appellants may be given "special consideration . . . regarding their notices of appeal." *Weekley v. Jones*, 927 F.2d 382, 386 (8th Cir. 1991).


The Court dismissed plaintiff's case pursuant to Fed.R.Civ.P.12(b)(6) on June 8, 2015. Under Rules 4(a)(1)(A) and 25(a)(2)(C) of the Federal Rules of Appellate Procedure, plaintiff's notice of appeal was due to be placed in the mail system at SECC no later than July 8, 2015.

Plaintiff placed his motion for extension of time in SECC's mail system on July 31, 2015. As a result, plaintiff's motion for extension of time was timely filed, as plaintiff moved for an extension within thirty (30) days of the date his notice of appeal was due in this Court. Additionally, the Court finds that plaintiff's pro se status, as well as his claim that he has been in "conditional lockdown" at SECC and unable to access the law library, good cause for granting the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for extension of time to file a notice of appeal [Doc. #33] is **GRANTED**.

Dated this 7th day of August, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE