

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

MARK R. PERRY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:10CV2436 SNLJ
)	
BARRY MARTIN, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for extension of time to file notice of appeal (#152) and request for copies of documents (#153).

On December 5, 2013, the Court entered summary judgment against plaintiff. On December 18, 2013, plaintiff filed a motion to alter or amend the judgment under Rule 59(e). On January 15, 2014, the Court denied that motion. On January 30, 2014, plaintiff filed a motion for extension of time to file notice of appeal. In support of his motion, plaintiff alleges that he has not been able to obtain copies of the documents in this case from his appointed attorney, including the order granting defendants’ motion for summary judgment, and that his appointed attorney has failed to communicate with him regarding this matter. On February 3, 2014, plaintiff filed a request with the Court for “all copies of civil documents and civil docket files” regarding this case.

Rule 4 of the Federal Rules of Appellate Procedure sets forth the time limits for filing a notice of appeal in district court. Pursuant to Rule 4(a)(1)(A), a notice of appeal must be filed with the district clerk within thirty days after the judgment or order appealed from is entered. Where the plaintiff has filed a motion pursuant to Rule 59(e) of the Federal Rules of Civil

Procedure, the time to file an appeal runs from the entry of the order disposing of that motion. Fed.R.App.P. 4(a)(4)(A).

A district court may extend the time to file a notice of appeal, but only if the party seeking the extension files a motion with the district court no later than thirty days after the initial thirty days expires. The party seeking the extension must also show excusable neglect or good cause. Fed.R.App.P. 4(a)(5). An extension under Rule 4(a)(5) may not exceed thirty days after the prescribed time or fourteen days after the date when the order granting the motion is entered, whichever is later.” Fed.R.App. 4(a)(5). Plaintiff’s motion was timely filed and this Court finds that plaintiff has shown good cause for an extension. This Court will grant plaintiff a fourteen day extension to file his notice of appeal.

As to plaintiff’s request for “all copies of civil documents and civil docket files,” the Court finds that the request is overly broad as it appears to request all documents that have been filed in this case. However, the Court will order that a copy of the docket sheet and the December 5, 2013 Memorandum and Order and Judgment be provided to plaintiff.

Finally, this Court directs plaintiff’s appointed counsel to E.D. Mo. Local Rule 12.07 regarding his obligations in this matter.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for an extension of time to file notice of appeal (#153) is **GRANTED**. Plaintiff is granted an extension of fourteen days from the date of this Order to file his notice of appeal.

IT IS FURTHER ORDERED that a copy of the docket sheet and the December 5, 2013 Memorandum and Order (#144) and Judgment (#145) be mailed directly to plaintiff Mark R. Perry.

IT IS FINALLY ORDERED that a copy of this Memorandum and Order be mailed to plaintiff.

Dated this 6th day of February, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE