

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

STEVEN E. TAYLOR,)
)
Petitioner,)
)
v.) No. 4:13 CV 1527 CDP
)
JEFF NORMAN,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before me on petitioner's motion to reopen the time for filing an appeal. Petitioner says that he received the Order of Dismissal in a timely fashion, but he maintains that he inadvertently sent a notice of appeal to the Missouri Court of Appeals instead of this Court.

Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure:

(6) Reopening the Time to File an Appeal. The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:

(A) the court finds that the moving party did not receive notice under Federal Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry;

(B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party

receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and

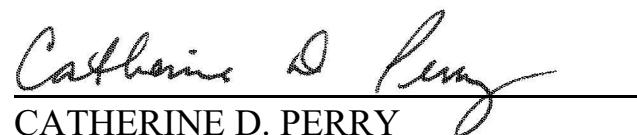
(C) the court finds that no party would be prejudiced.

The first condition of the Rule is not satisfied because petitioner received timely notice of the Order of Dismissal. As a result, I may not grant the motion.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to reopen the time for filing an appeal [ECF No. 10] is **DENIED**.

Dated this 19th day of November, 2013.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE