

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DEWAYNE WHITE,)
)
 Petitioner,)
)
 vs.) Case No. 4:14-CV-1357 (CEJ)
)
 IAN WALLACE,)
)
 Respondent.)

MEMORANDUM AND ORDER


This matter is before the Court on petitioner’s motion for an extension of time to file a notice of appeal.

The judgment in this case was entered on April 17, 2017. Under the Federal Rules of Appellate Procedure, petitioner had thirty days from that date in which to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). Petitioner filed the instant motion on April 27, 2017, before the time for filing the notice of appeal had expired.

In the motion, petitioner states that he needs additional time because he is “requesting the right documents” to file his appeal. However, Fed. R. App. P. 3(c)(1) only requires that the notice of appeal (A) specify the party taking the appeal, (B) designate the judgment or order being appealed, and (C) name the court to which the appeal is taken. Thus, the lack of the “right documents” was no impediment to filing a timely notice of appeal. Furthermore, the Court finds that petitioner has failed to demonstrate excusable neglect or good cause for an extension of time, as required by Fed. R. App. P. 4(a)(5)(A)(ii).

Accordingly,

IT IS HEREBY ORDERED that petitioner' motion for extension of time [#31] is **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2017.