

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

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|---|---|-----------------------------------|
| ABE IGHALO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 09-00032-CV-W-GAF |
| |) | |
| MICHAEL J. ASTRUE, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

Presently before the Court is Plaintiff Abe Ighalo’s (“Plaintiff”) Motion to Amend Judgment or to Make Additional Findings filed pursuant to Fed. R. Civ. P. 52(b) and 59. (Doc. # 32). On March 3, 2010, the Clerk’s Judgment was entered in this case after the Court granted Defendant Michael J. Astrue’s (“Defendant”) Motion for Summary Judgment. (Doc. ## 30, 31). Under both Fed. R. Civ. P. 52 and 59, Plaintiff had only twenty-eighty (28) days from March 3, 2010, the date judgment was entered, to file the present Motion. Plaintiff’s Motion was not filed, however, until April 1, 2010, which falls outside the twenty-eight (28) day period. The Court is without power to grant Plaintiff an extension of time for filing. *See Arnold v. Wood*, 238 F.3d 992, 998 (8th Cir. 2001). Therefore, it is

ORDERED that Plaintiff’s Motion is **DENIED**.¹

IT IS SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: April 22, 2010

¹Defendant’s Motion to Strike Plaintiff’s Motion to Amend Judgment as Untimely (Doc. # 33) has effectively been granted, but is formally **DENIED** as moot.