

On February 9, 2015, this Court received a filing by Mr. Wynn that he has titled “Petition for Writ of Certiorari.” (Dkt. No. 22.) The filing is addressed to Judge Cavanaugh. Mr. Wynn requests that this Court “honor movant’s request for the Supreme Court to examine this case.” (*Id.* at p. 2.)

Considered as a petition for a writ of certiorari to the United States Supreme Court, this filing would be both premature and directed to the wrong Court. The February 9, 2015 Petition, however, could be construed as Mr. Wynn’s inartful attempt to appeal my December 15, 2014 Opinion and Order. Federal Rule of Appellate Procedure 3(c) states that a notice of appeal must, at a minimum, “designate the judgment, order, or part thereof being appealed.” The requirements of Rule 3(c) are to be liberally construed, *see Pacitti v. Macy’s*, 193 F.3d 766, 776-77 (3d Cir. 1999), particularly where plaintiff is appearing *pro se*. What is clear is that Mr. Wynn objects to my order and wishes to have a higher court review his case. He filed his Petition timely, within sixty days of this Court’s December 15, 2014 Opinion and Order. *See* FED. R. APP. P. 4(a)(B)(i) (notice of appeal may be filed by party within sixty days if one of the parties is the United States). Under those circumstances, and in light of the procedural history of this case, I will construe the “petition for certiorari” as a notice of appeal and will order the Clerk to re-designate it as such. An appropriate order will be entered.

Dated: February 20, 2015


KEVIN MCNULTY
United States District Judge