

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JENNIFER BRIGHT,

Plaintiff,

v.

LABCORP, et al.,

Defendants.

Civil Action No. 12-2359 (MAS) (LHG)

MEMORANDUM ORDER

This matter comes before the Court on Plaintiff Jennifer Bright's request for an extension of time to appeal this Court's entry of judgment in favor Defendant Laboratory Corporation of America Holdings ("LabCorp"). LabCorp's motion for summary judgment was granted on November 30, 2014. (ECF Nos. 39, 40.) Plaintiff, on January 29, 2015, filed correspondence with the Court requesting an extension. (ECF No. 41.) LabCorp has not opposed the request.


Rule 4(a) of the Federal Rules of Appellate Procedure sets forth strict timing requirements for the appeal of a civil case in federal district court. Rule 4(a) allows a litigant thirty days to file a notice of appeal with the district clerk after the entry of an order or judgment. Fed. R. App. P. 4(a)(1)(A). "However, the district courts do 'have limited authority to grant an extension of the [thirty]-day time period.'" *Ragguette v. Premier Wines & Spirits*, 691 F.3d 315, 323 (3d Cir. 2012) (citing *Bowles v. Russell*, 551 U.S. 205, 208 (2007)). Rule 4 also allows a party to move for an extension of the thirty-day time limit, if that party so moves within thirty days of the expiration of the time to appeal and "shows excusable neglect or good cause." Fed. R. App. P. 4(a)(5).

Here, although Plaintiff has not offered any justification for her failure to file a notice of appeal within the required timeframe other than her *pro se* status, the Court will allow Plaintiff a

brief extension to file a notice of appeal. Indeed, Plaintiff's failure to appeal within the requisite timeframe "reflects professional incompetence such as ignorance of the rules of procedure." *Consolidated Freightways Corp. v. Larson*, 827 F.2d 916, 919 (3d Cir. 1987) (discussing non-exhaustive list of factors relevant to finding excusable neglect). Accordingly,

IT IS on this 18th day of March 2015, **ORDERED** that:

1. Plaintiff's request for an extension to file an appeal (ECF No. 41) is **GRANTED**;
and
2. Plaintiff has until **March 27, 2015**, to file a notice of appeal.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE