



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DARRELL GUNN

(List the full name(s) of the plaintiff(s)/petitioner(s).)

19 cv 10039 (CS) ( )

-against-

**MOTION FOR EXTENSION  
OF TIME TO FILE NOTICE  
OF APPEAL**

Anthony ANNUCCI, et al.

(List the full name(s) of the defendant(s)/respondent(s).)

I move under Rule 4(a)(5) of the Federal Rules of Appellate Procedure for an extension of time to file a notice of appeal in this action. I would like to appeal the judgment entered in this action on 7/21/21 but did not file a notice of appeal within the required

date  
time period because: That grievance complaint GH-79323-15 was finally exhausted by CORC on 11/2/16, I did not file section 1983 until 10/25/19. I was within the 3 year time limit of PLRA 1997 (ela) This was over-looked by District Judge (CS), AAG Jennifer Cash, and me. I did not know the PLRA exhaustion requirement until opinion and order dated 12/1/21 of Darrell Gunn v Correction Officer Edwin Ayala NO. 20-CV-840 (KMK)

(Explain here the excusable neglect or good cause that led to your failure to file a timely notice of appeal.)

1/5/22

Dated:

Darrell Gunn

Signature

Gunn Darrell A

Name (Last, First, MI)

Sing Sing Correctional Facility 354 Hunter Street, Ossining NY 10562

Address

City

State

Zip Code

Telephone Number

J-Pay.com Darrell Gunn 03-B-243

E-mail Address (if available)

SO ORDERED.

Cathy Seibel  
CATHY SEIBEL, U.S.D.J.

Rev. 3/27/15

January 10, 2022

Under Rule 4(a)(5) of the Federal Rules of Appellate Procedure, the District Court is without power to extend Plaintiff's time to file a notice of appeal - both because it is too late and because good cause has not been shown. Plaintiff must therefore apply to the Court of Appeals. The Clerk of Court is respectfully directed to mail a copy of this endorsement to Plaintiff.