

United States District Court
Southern District of Texas**ENTERED**

March 06, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RED CARPET RENT A CAR, LLC, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-16-1791
	§	
AVIS BUDGET RENT A CAR SYSTEM, INC., <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER DENYING SECOND MOTION TO EXTEND

Final judgment was entered on December 29, 2017. (Docket Entry No. 45). On January 24, 2018, the plaintiffs moved to extend their deadline to file a notice of appeal by 30 days. (Docket Entry No. 47). The court granted the motion after finding good cause and extended the plaintiffs' notice-of-appeal deadline to February 27. (Docket Entry No. 48).

One of the plaintiffs, Frances Ward, on behalf of herself and the other plaintiffs, filed a second motion to extend on March 1. (Docket Entry No. 49). The motion argues that the plaintiffs were not notified of the court's first extension and asks for a second extension of between 30 and 45 days. *Id.* at 2.

A district court is not barred as a jurisdictional matter from extending a notice-of-appeal deadline beyond the deadline set out in Federal Rule of Appellate Procedure 4(a)(5)(C). *See Hamer v. Neighborhood Hous. Servs. of Chicago*, 138 S. Ct. 13, 21–22 (2017) (Rule 4(a)(5)(C)'s 30-day limit on notice-of-appeal deadlines is a mandatory claim-processing rule, not a jurisdictional appeal-filing deadline). But the court is jurisdictionally barred from extending the time for appeal unless the motion to extend is "filed not later than 30 days after the expiration of the time otherwise set for bringing appeal." 28 U.S.C. § 2107(c); FED. R. APP. P. 4(5)(A)(I). The deadline for a motion to

extend the notice-of-appeal in this case was 60 days after the December 29, 2017 final-judgment entry, or February 27, 2018.

Ward filed the second motion to extend on March 1, 2018. That is beyond the 60-day period. The motion to extend is denied. (Docket Entry No. 49).

SIGNED on March 6, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge