

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HAROLD BOSIER

v.

**GILA GROUP AND MUNICIPAL
SERVICES BUREAU**

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A-07-CA-888 AWA

ORDER

Before the Court are Appellant's Motion for Extension of Time to File Appeal (Clerk's Doc. No. 56), and Appellant's Petition to Proceed In Forma Pauperis on Appeal (Clerk's Doc. No. 58), both filed December 18, 2009.

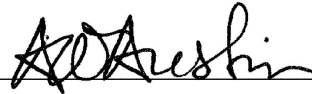
On July 18, 2008, this case was transferred to the undersigned's docket based on the parties' consent to trial before a United States Magistrate Judge. On September 12, 2008, the undersigned entered a final order granting Defendant's motions to dismiss, concluding that Plaintiff has failed to state any claims on which relief may be granted. *See* Clerk's Doc. No. 50. Plaintiff subsequently filed three documents, which the Court construed as a motion under Rule 60 for relief from a judgment or order because of mistake, inadvertence, or excusable neglect (Clerk's Doc. No. 51), and as briefs in support of that motion (Clerk's Doc. Nos. 52 and 53). On October 10, 2008, the Court denied the Rule 60 motion. *See* Clerk's Doc. No. 54.

Now, some 14 months later, Plaintiff has filed a motion for extension of time to file an appeal, and an application to proceed IFP on appeal. The Federal Rules of Appellate Procedure provide that a district court may extend the time to file a notice of appeal if the party moves for the extension no later than 30 days after the time would normally expire, and that party shows excusable

neglect or good cause. FED. R. APP. P. 4(a)(5). In this case, the time to file an appeal expired over a year ago, as did the time to move for an extension.

Accordingly, IT IS ORDERED that Appellant's Motion for Extension of Time to File Appeal (Clerk's Doc. No. 56) be DENIED. IT IS FURTHER ORDERED that Appellant's Petition to Proceed In Forma Pauperis on Appeal (Clerk's Doc. No. 58) be DENIED AS MOOT.

SIGNED this 15th day of January, 2010.

A handwritten signature in black ink, appearing to read "A. Austin", written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE