

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Stephen O'Neil Simpson,	§	
TDCJ No. 738373,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. SA-09-CV-0125-NN
	§	
Officer Adam Cruz,	§	
Officer James Flores,	§	
Officer Anthony Corpus,	§	
Officer Shelley Grayson,	§	
Sergeant Michael Huser,	§	
Lieutenant Szndra Hartoon,	§	
Lieutenant Brian Peterson,	§	
Major Darren Wallace,	§	
Lieutenant Alberto Diaz,	§	
Sergeant Lionel Porras,	§	
Sergeant Vernet Davis,	§	
Lieutenant Robert Bluhm,	§	
Sergeant Steven Havard,	§	
Assistant Warden Gary Hunter,	§	
Warden Paul Morales,	§	
L.V.N. Peggy Gohlke,	§	
Officer Tiffany Smith,	§	
Officer Francine Agüero,	§	
Officer Jose Agüero,	§	
Officer Paul Martinez,	§	
O.I.G. David Guajardo,	§	
O.I.G. Shelia Thomas,	§	
O.I.G. Jonny Santana,	§	
Director Rick Thaler,	§	
	§	
Defendants.	§	

ORDER EXTENDING TIME TO FILE NOTICE OF APPEAL

This order addresses plaintiff Stephen O'Neil Simpson's motion for an extension

of time to file a notice of appeal. Rule 4 provides that a notice of appeal “must be filed with the district clerk within 30 days after the judgment...appealed from is entered.”¹ Simpson seeks to appeal to a judgment entered on October 5, 2011. Rule 4 permits the trial court to extend the time to file a notice of appeal if an appellant asks for an extension of time within the time period for filing a notice of appeal.² Simpson’s motion was filed within the time for filing a notice of appeal. Because the rule permits the court to extend the deadline for filing a notice of appeal until “14 days after the date when the order granting the motion is entered,”³ I grant Simpson’s request (docket entry # 150) and extend his deadline until November 29, 2011.

The Clerk is DIRECTED to provide a copy of this Order to Simpson at TDCJ Wynne Unit, 810 FM 1821 West, Huntsville, Texas 77349.

SIGNED on November 15, 2011.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE

¹Fed. R. App. P. 4(a)(1)(A).

²Fed. R. App. P. 4(a)(5) (“The district court may extend the time to file a notice of appeal if...a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) regardless of whether its motion....”).

³Fed. R. App. P. 4(a)(5)(C) (“No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.”).