

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WING KAI TSE,

Plaintiff,

v.

UNITED FOOD AND
COMMERCIAL WORKERS UNION,
LOCAL 367,

Defendant.

CASE NO. C13-746RAJ

ORDER

This matter comes before the court on pro se plaintiff Wing Kai Tse’s motion for additional time to file a notice of appeal. Dkt. # 11.

A notice of appeal must be filed within 30 days after entry of judgment. Fed. R. App. Proc. 4(a)(1)(A). Here, judgment was entered on February 19, 2014. Thus, the notice of appeal should have been filed by March 21, 2014. Instead, plaintiff filed a motion for extension of time to file the notice of appeal. This court may grant a motion for extension of time to file a notice of appeal if the party moves “no later than 30 days after the time prescribed by this Rule 4(a) expires” where “that party shows excusable neglect or good cause.” Fed. R. App. Proc. 4(a)(5)(A)(i) & (ii). No extension 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. Fed. R. App. Proc. 4(a)(5)(C).

1 Plaintiff argues that the court's dismissal of the section 1981 claim "is absolutely
2 erroneous and unfair." Dkt. # 11 at 1. He also argues that his former coworker, Siu Man
3 Wu, was given a chance to rewrite his response to defendant's nearly identical motion to
4 dismiss in Case Number C13-748RAJ. *Id.* The court denied Mr. Wu's motion to file a
5 67-page opposition that far exceeded the page-limits in the Local Civil Rules, and
6 allowed him to re-file a 30-page opposition. Case No. C13-748RAJ, Dkt. # 19. In this
7 case, plaintiff did not file a motion to file an overlength brief, but the court nevertheless
8 considered the entirety of Mr. Tse's 28 page opposition. Dkt. # 7. Regardless, what is
9 happening in Mr. Wu's case is irrelevant to Mr. Tse's ability to demonstrate good cause
10 or excusable neglect in this case for extending the time to file a notice of appeal.

11 Nevertheless, Mr. Tse is proceeding *pro se* and he has indicated that he requires
12 assistance from friends because of his lack of fluency in the English language. Given the
13 language barrier and Mr. Tse's *pro se* status, the court believes he has demonstrated good
14 cause for an extension of time to file the notice of appeal, especially where the notice of
15 appeal is a simple form, not a full analysis of all of his claims.

16 For all the foregoing reasons, the court GRANTS plaintiff's motion to extend the
17 time to file a notice of appeal. The court entered judgment on February 19, 2014. The
18 notice of appeal should have been filed no later than March 21, 2014. Accordingly, Mr.
19 Tse must file a notice of appeal no later than 30 days after this prescribed time, which is
20 April 20, 2014. The court does not have discretion to grant an extension beyond this
21 date.

22 Dated this 3rd day of April, 2014.

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25 The Honorable Richard A. Jones
26 United States District Judge
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