

1 HONORABLE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

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11 WING KAI TSE,

12 Plaintiff,

13 v.

14 UNITED FOOD AND
15 COMMERCIAL WORKERS UNION,
16 LOCAL 367,

Defendant.

CASE NO. C13-746RAJ

ORDER

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18 This matter comes before the court on pro se plaintiff Wing Kai Tse's third
19 "Request for Extension for filing Notice of Appeal." Dkt. # 16.

20 A notice of appeal must be filed within 30 days after entry of judgment. Fed. R.
21 App. Proc. 4(a)(1)(A). This court may grant a motion for extension of time to file a
22 notice of appeal if the party moves "no later than 30 days after the time prescribed by this
23 Rule 4(a) expires" where "that party shows excusable neglect or good cause." Fed. R.
24 App. Proc. 4(a)(5)(A)(i) & (ii).

25 Here, judgment was entered on February 19, 2014. Dkt. # 10. On March 20,
26 2014, plaintiff filed his first request for additional time to file a notice of appeal, which
27 the court construed as a motion for extension of time to file a notice of appeal. Dkt. # 11.

1 On April 3, 2014, the court GRANTED the motion, and indicated that no extension may
2 exceed 30 days after the prescribed time or 14 days after the date when the order granting
3 the motion is entered, whichever is later. Fed. R. App. Proc. 4(a)(5)(C). Dkt. # 13. The
4 court calculated the deadline to file a notice of appeal pursuant to the Rule 4(a)(5)(C) to
5 be April 20, 2014. *Id.* at 2. On April 14, 2014, plaintiff filed a motion to amend the
6 court's order and again requesting an extension of time to file a notice of appeal, arguing
7 in part, that the court miscalculated the deadline, which should have been April 23, 2014.
8 Dkt. # 14 at 4. On April 15, 2014, the court amended its April 3 order to change the
9 deadline to April 23, 2014 because the court had not taken into account Rule 6(d)'s three-
10 day addition when service is made by mail. Dkt. # 15.

11 Plaintiff now files a third "request" for extension for filing the notice of appeal.
12 Dkt. # 16. The court has already granted plaintiff's prior requests for extension of time.
13 He has until April 23, 2014 to file a notice of appeal. The court will not respond to any
14 further requests from plaintiff in this case.¹ This case is closed.

15 Dated this 22nd day of April, 2014.

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20 The Honorable Richard A. Jones
21 United States District Judge
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25 ¹ Plaintiff indicates that he obtained a number of documents that were filed in his original
26 case (C12-398RSL) and that have also been filed by Siu Man Wu in his case (C13-748RAJ). It
27 is unclear to the court why plaintiff did not present these documents to the court in opposition to
summary judgment if he believed them to be essential to his case and if he wanted them to be a
part of the record. Nevertheless, that time has passed. The court reiterates that it will not
address any further request by plaintiff in this case.