

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT EARL ALEXANDER,

Plaintiff,

v.

ORDER

NATHAN TAPIO and ROMAN KAPLAN,

17-cv-861-jdp

Defendants.

Plaintiff Robert Earl Alexander renews his motion for an extension of time to file his notice of appeal. Dkt. 333. He previously requested an extension of time to file his notice of appeal, which I denied as unnecessary on the basis that the appeal notice was timely under the prison mailbox rule. Dkt. 316. But the U.S. Court of Appeals for the Seventh Circuit pointed out that plaintiff's appeal notice actually was filed one day late, even under the prison mailbox rule, and instructed him to refile his motion for an extension of time in this court. Dkt. 333-1.

Under Federal Rule of Appellate Procedure 4(a)(5)(ii), I may grant an extension of time to file a notice of appeal for good cause. Plaintiff says that he tried to seek a timely extension to file his notice of appeal on April 14, 2022, which was his deadline. But he says that prison staff did not accept his mailing in violation of mail pickup procedures. Plaintiff mailed his extension request and notice of appeal the next day. Defendants do not dispute plaintiff's explanation of events or contend that plaintiff has not demonstrated good cause. Dkt. 339.

The motion for an extension is GRANTED. Plaintiff also moves to compel incident reports related to his mail pickup problems at the prison. Dkt. 338. The motion is DENIED as unnecessary.

Entered August 9, 2022.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge