

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

KAY and DAVID SIEVERDING,
EDWARD SIEVERDING and
THOMAS SIEVERDING,

Plaintiffs,

v.

CITY OF STEAMBOAT et al.,

Defendants.

ORDER

02-C-395-C

In an order dated September 9, 2002, I dismissed plaintiffs' complaint and first amended complaint without prejudice. The clerk of court entered judgment the same day. In an order dated October 17, 2002, I dismissed plaintiff's second amended complaint, this time with prejudice. An amended judgment was entered on October 22, 2002. Presently before the court is plaintiffs' motion for an extension of time in which to file a notice of appeal. In the motion, plaintiffs inform the court that they have filed a new case in the United States District Court for the District of Colorado and state that they want this court to "extend the appeal period on the case [02-C-395-C] so that [they] can file a motion of appeal to appellate court to have [this court's] motion of dismissal overturned, can file a motion in [this court] to withdraw the amended version, and can file a motion in Denver to have the two cases joined." According to plaintiffs, their goal is "to have the pleadings . . . filed in Denver considered as an amendment to [this case] while retaining the original filing date of July 10."

I express no opinion as to plaintiffs' proposed course of action. According to Fed. R. App. P.

4(a)(1)(A), the notice of appeal required by Fed. R. App. P. 3 must be filed with the district court clerk within 30 days after the judgment or order appealed from is entered. Because an amended judgment was entered in this case on October 22, 2002, the time for filing a notice of appeal in this case has not yet expired. Plaintiffs' motion appears to be premised on the misconception that they were required to file a notice of appeal within 30 days of September 9, 2002, the date of the original judgment in this case. In fact, plaintiffs have until November 21, 2002 (30 days from entry of the October 22, 2002 amended judgment) in which to file such a notice. Accordingly, plaintiffs' motion will be denied because it is unnecessary at this time.

IT IS ORDERED that plaintiffs' motion for an extension of time in which to file a notice of appeal is DENIED. Plaintiffs have until November 21, 2002, in which to file such a notice.

Entered this 31st day of October, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge