

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK BRUMMITT,

Defendant.

ORDER

08-cv-0215-bbc
04-cr-127-bbc

Defendant Mark Brummitt has filed a motion for extension of time to file an appeal of the May 13, 2008 judgment denying his motion pursuant to 28 U.S.C. § 2255 and for appointment of counsel to assist him in his appeal.

As to the motion for extension of time, a district court may extend the time for filing a notice of appeal upon motion filed no later than 30 days after the expiration of the time prescribed by Fed. R. App. P. 4 and upon the movant's showing of excusable neglect or good cause. Defendant filed his motion on May 28, 2008, which is well within the original 60 days he has in which to file a notice of appeal. Defendant does not explain why he needs any more time than that to file his notice of appeal, aside from his apparent belief that this

court will appoint counsel to assist him with preparation of an appeal. It will not. The proceedings in this court on defendant's § 2255 motion has ended. If defendant wants a lawyer to assist him with his appeal, he will have to ask the court of appeals to appoint him one.

Because defendant has failed to show excusable neglect or good cause for extending his deadline for filing an appeal beyond his present deadline of July 14, 2008, his motion for an extension of time within which to file his notice of appeal will be denied.

ORDER

IT IS ORDERED that defendant Mark Brummitt's motions for an extension of time to file an appeal and for appointment of counsel on appeal are DENIED,

Entered this 6th day of June, 2008.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge