

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH CIRVES,

Defendant.

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ORDER

07-cr-149-bbc

On June 18, 2012, defendant filed a notice of appeal of the court's orders of February 22, 2012 and May 23, 2012 denying her motion for modification of her sentence under 18 U.S.C. § 3582. Because her notice of appeal was not accompanied by the \$455.00 filing fee, I construed her notice of appeal as including a request for leave to proceed in forma pauperis on appeal under 28 U.S.C. § 1915. In an order entered on June 22, 2012, I denied her request because I determined that her appeal was not taken in good faith.

In the meantime, on June 20, 2012, the court of appeals entered an order giving defendant until July 3, 2012 in which to file a memorandum stating why her appeal should not be dismissed as untimely because it was not filed within 14 days of the entry of judgment under Fed. R. App. P. 4(b).

On July 6, 2012, defendant filed a letter with this court in which she outlined why her appeal was not timely filed. That letter appeared to be a response to the court of appeals' June 20, 2012 order and was forwarded to the court of appeals. In reviewing defendant's July 6, 2012 more carefully, I note the words "request for extension" in the subject line of her letter. I construe this language as a motion for extension of time to file her notice of appeal. In support of her motion, she states that she was placed in the Special Handling Unit at the prison and did not have access to her property. In addition, as the result of a suicide attempt, she was hospitalized, placed on life support and placed in an intensive care unit.

Fed. R. App. P. 4(b)(4) allows a district court to extend the time for filing a notice of appeal upon a finding of excusable neglect or good cause for a period not to exceed 30 days after expiration of the time prescribed for filing, which was June 6, 2012. I find that defendant has shown good cause for granting her a 30-day extension of the time to file her notice of appeal.

ORDER

IT IS ORDERED that defendant's motion for an extension of time to file her notice of appeal is GRANTED.

Entered this 25th day of July, 2012.

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