

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

LEE RAVEN,

Plaintiff,

v.

MATC and GAIL F. BAILEY,

Defendants.

ORDER

09-cv-503-slc

On December 17, 2010, the court granted summary judgment in this case to defendants MATC and Gail F. Bailey and entered judgment in favor of defendants. (Dkts. 68, 69.) Plaintiff Lee Raven's motion for reconsideration of the court's order granting summary judgment to defendants (dkt. 70), was denied on March 16, 2011. (Dkt. 71).

On April 18, 2011, plaintiff filed a notice of appeal dated April 11, 2011. (Dkt. 72). In an April 19 order, I construed plaintiff's notice of appeal as including a request to proceed *in forma pauperis* on appeal and granted that request. (Dkt. 75).

However, on April 20, 2011, the Court of Appeals for the Seventh Circuit issued an order explaining that plaintiff's notice of appeal was untimely because it was filed 33 days after this court's March 16, 2011 order. The court advised plaintiff that if she wanted to file a motion for extension of time to file her notice of appeal, she should do so in this court. Now plaintiff has filed such a motion. (Dkt. 76).

A district court may extend the time for filing a notice of appeal upon a 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. Fed. R. App. P. 4 (a)(5)(A).

Plaintiff has filed her motion for extension of time within the allotted time. Although plaintiff's excuse for filing late—basically blaming it on the clerk's office rather than her own

languor—stretches the definitions of good cause and excusable neglect to their breaking point, I will grant the extension. Plaintiff wrote her notice of appeal several days before the deadline and only missed the deadline by a few days, perhaps because of mailing delays over the weekend. Although this court would not accept this sort of brinkmanship from an attorney, I will cut plaintiff some slack because she is pro se and doesn't comprehend how seriously federal courts take their deadlines.

ORDER

IT IS ORDERED that plaintiff Lee Raven's motion for an extension of time to file her notice of appeal, dkt. 76, is GRANTED.

Entered this 27th day of April, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge