

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TELLY KINGCADE,

Defendant.

ORDER

10-cv-349-bbc
07-cr-142-bbc

Defendant Telly Kingcade has filed a “Motion for Computing and Extending Time in Accordance with Rule 26(a)(b) Fed. R. Civ. P.” from the October 1, 2010 judgment entered in this case denying his § 2255 motion. 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 November 1, 2010, which is well within the original 60 days he has in which to file a notice of appeal. Defendant contends that he did not receive a copy of the September 30, 2010 order until October 22, 2010 but he does not explain why he needs any more time to file his notice of appeal. Because defendant has failed

to show excusable neglect or good cause for extending his deadline for filing an appeal beyond his present deadline, his motion for an extension of time within which to file his notice of appeal will be denied as unnecessary. He still has almost 30 days in which to file his appeal.

Defendant also asks for an extension of time to file a certificate of appealability. This motion will be denied as well. In the court's September 30, 2010, order denying defendant's 2255 motion, I determined that defendant's motion did not meet the standard for a certificate of appealability.

ORDER

IT IS ORDERED that defendant Telly Kingcade's motion for an extension of time to file an appeal is DENIED as unnecessary.

FURTHER, IT IS FURTHER that defendant Telly Kingcade's motion for an extension of time to file a certificate of appealability is DENIED as moot.

Entered this 3d day of November, 2010.

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