

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

HEATHER L. STEVENS,

Plaintiff,

ORDER

11-cv-190-bbc

v.

COUNTY OF LA CROSSE,

Defendant.

On March 23, 2012, judgment was entered granting defendant County of La Crosse's motion for summary judgment and dismissing this case for lack of subject matter jurisdiction. Now before the court is plaintiff's motion for an extension of time to file a notice of appeal.

Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure provides that a notice of appeal in a civil case must be filed within 30 days after the judgment or order appealed from is entered. Because the judgment was entered on this case on March 23, 2012, plaintiff's notice of appeal was to have been filed on April 23, 2012. Fed. R. App. P. 4(a)(5)(A) provides that the district court may extend the time to file a notice of appeal if a party moves no later than 30 days after the time prescribed by Rule 4(a) expires and the party shows excusable neglect or good cause.

In her motion, filed pro se, plaintiff states that the attorney who represented her

throughout this case did not notify her in a timely fashion of the deadline for filing a notice of appeal. Additionally, plaintiff states that her attorney has ended the relationship and will not talk to her about what happened. Defendant argues that plaintiff has failed to meet the excusable neglect standard. Defendant asserts that if plaintiff was unhappy with the way her attorney handled the case, plaintiff's remedy is to take action against her attorney for malpractice. Defendant's assessment is not persuasive. Plaintiff does not state that she was unhappy with the way her attorney handled the case, only that once judgment was entered her attorney stopped communicating with her and left her "in the dark." Furthermore, plaintiff acknowledges that as soon as she learned of the deadline for filing an appeal, she promptly sought an extension upon learning that her attorney would not be representing her on appeal. Accordingly, I conclude that plaintiff has shown good cause and I will grant her motion for an extension of time to file an appeal.

Under Fed. R. App. 4(a)(5)(c), the extension runs for the later of 30 days from the date when the notice of appeal was originally to be filed or 14 days after the date when the order granting the motion is entered. In this case, the later deadline is 14 days from the date this order is entered. Therefore, plaintiff's notice of appeal is to be filed no later than June 6, 2012.

For plaintiff's information, plaintiff needs to file only a document stating that she seeks to appeal the judgment and what issues she wants to appeal and why. It is not necessary for her to cite cases or make new legal arguments. The notice of appeal is not an opportunity for plaintiff to reargue her claims; rather, its function is merely to alert the court

to the issues plaintiff wants to raise on appeal and the reasons she thinks this court decided those issues wrongly.

ORDER

IT IS ORDERED that plaintiff Heather Stevens's motion for an extension of time to file her notice of appeal, dkt. #29, is GRANTED. Plaintiff may have until June 6, 2012 to file a notice of appeal.

Entered this 23d day of May, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge