

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

CHRISTIAN C. IBEAGWA,

Plaintiff,

v.

INTERNAL REVENUE SERVICE,

Defendant.

ORDER

14-cv-369-bbc

On June 18, 2015, judgment was entered granting defendant Internal Revenue Service's motion for summary judgment and dismissing this case. Plaintiff has filed a motion for litigation fees and costs, dkt. #126, which will be addressed in a separate order. (Plaintiff titled that motion as a "motion for summary judgment under 5 U.S.C. § 552(a)(4)(E), but the substance of the motion makes it clear that he is requesting fees and costs.) Presently before the court is plaintiff's motion for an extension of time to file a notice of appeal. Dkt. # 141.

Rule 4(a)(1)(B) of the Federal Rules of Appellate Procedure provides that a notice of appeal in a civil case in which a United States agency is a party must be filed within 60 days after the judgment or order appealed from is entered. Because the judgment was entered on this case on June 18, 2015, plaintiff's notice of appeal was to have been filed on August 17, 2015. A 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. Fed. R. App. P. 4(a)(5)(A).

Plaintiff has filed his motion within the allotted time. Plaintiff asks for an extension until October 16, 2015, but that request is inconsistent with Fed. R. App. P. 4(a)(5)(C), which prohibits an extension that is more than 30 days after the deadline or 14 days after the order granting the extension, whichever date is later. Further, plaintiff's only reasons for requesting the extension are that he needs more time to prepare a "cogent and accurate appeal" and to accommodate his litigation schedule in other matters. He provides no details. Accordingly, I conclude that plaintiff has not shown that he is entitled to anything other than a short extension. He may have until August 28, 2015, to file his notice of appeal.

For plaintiff's information, he needs to file only a document specifying the party taking the appeal, any judgment or orders being appealed and the name of the court to which the appeal is taken. It is not necessary for plaintiff to cite case law or make new legal arguments. In addition, the fee for filing an appeal is \$505.00. If plaintiff cannot afford the appellate filing fee, he may file a motion for leave to proceed without prepayment of the fee.

ORDER

IT IS ORDERED that plaintiff Christian Ibeagwa's motion for an extension of time

to file his notice of appeal, dkt. #141, is GRANTED in part. Plaintiff may have until August 28, 2015 to file a notice of appeal.

Entered this 21st day of August, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge