

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Irwin Gomez-Colon v. Tim Hooper, Warden

Gomez-Colon · No. No. 24-756 · Decided April 2, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Irwin Gomez-Colon's motions to reopen the case, construing them as motions under Federal Rule of Appellate Procedure 4(a)(6) to reopen the time to seek a certificate of appealability. The court finds that Gomez-Colon did not receive notice of the judgment within 21 days of its entry and that his motions were timely and would not prejudice any party. The court deems his notice of appeal a timely request for a certificate of appealability addressed to the Fifth Circuit.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Nannette Jolivet Brown
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 2, 2026
DOCKET	No. 24-756
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved to reopen a closed federal habeas case and filed a notice of appeal after allegedly not receiving timely notice of the judgment. The district court construed the motions as requests to reopen the time to seek a certificate of appealability under Federal Rule of Appellate Procedure 4(a)(6).
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value
PARTIES	Irwin Gomez-Colon v. Tim Hooper, Warden

TOPICS

- federal habeas corpus
- appellate procedure
- final judgment rule
- post-conviction relief

PRACTICE AREAS

- Federal habeas corpus
- Appellate procedure
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the motions should be construed as motions to reopen the time to seek a certificate of appealability under Federal Rule of Appellate Procedure 4(a)(6).
2. Whether the requirements of Rule 4(a)(6) were satisfied when the petitioner did not receive notice of the judgment within 21 days, filed within the applicable time limits, and reopening would not prejudice any party.
3. Whether the petitioner's notice of appeal constituted a request for a certificate of appealability addressed to the court of appeals and was timely after the time to appeal was reopened.

HOLDINGS

1. Motions labeled as motions to reopen the case may be construed as motions to reopen the time to seek a certificate of appealability when the only asserted error is failure to receive notice of the judgment.
2. Rule 4(a)(5) did not provide a basis for relief because the motions were filed more than 60 days after entry of the judgment.
3. The court may reopen the time to appeal under Rule 4(a)(6) when the appellant did not receive notice of the judgment within 21 days, moved within the rule's applicable time limits, and reopening would not prejudice any party.
4. In a habeas proceeding, the notice of appeal constituted a request for a certificate of appealability addressed to the Fifth Circuit and was timely after the court reopened the appeal period.

KEY QUOTATIONS

“The Court reopens the time to file a request for a certificate of appealability under Rule 4(a)(6).”

“The district court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied:”

FACTUAL BACKGROUND

Gomez-Colon, a state prisoner at the Louisiana State Penitentiary, alleged that he did not receive the district court's November 2025 orders and judgment until February 18, 2026. Prison mail logs and a mail-room letter supported his assertion that he did not receive legal mail from the court during the relevant period. The Clerk remailed the judgment on February 13, 2026, and the prison stamped it received on February 18, 2026.

PROCEDURAL HISTORY

Gomez-Colon filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court dismissed the petition with prejudice, entered judgment, and denied a certificate of appealability. After Gomez-Colon asserted that he did not receive notice of the judgment until February 18, 2026, he filed motions to reopen and a notice of appeal. The district court granted relief under Rule 4(a)(6), reopened the time to seek a certificate of appealability from the Fifth Circuit, and deemed the notice of appeal timely.

DISPOSITION

other

CASES CITED

- Hamer v. Neighborhood Hous. Servs. of Chi., 583 U.S. 17, 20 (2017)
- Bowles v. Russell, 551 U.S. 205, 214 (2007)
- Dunn v. Cockrell, 302 F.3d 491, 492 (5th Cir. 2002)
- Resendiz v. Dretke, 452 F.3d 356, 358 (5th Cir. 2006)

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