

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA**

**Michelle Diana Celillo v. Commissioner of Social Security**

Celillo v. Commissioner of Social Security · No. 2:24-cv-01031-CKD · Decided June 24, 2025

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**SUMMARY**

The United States District Court for the Eastern District of California granted Michelle Diana Celillo's motion for an extension of time to file a notice of appeal from the April 15, 2025 judgment. The court found good cause based on plaintiff's pro se status and efforts to obtain new appellate counsel, and extended the filing deadline to August 13, 2025.

**OPINION**

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 MICHELLE DIANA CELILLO, No. 2:24-cv-01031-CKD 12 Plaintiff, 13 v.  
ORDER 14 COMMISSIONER OF SOCIAL SECURITY, 15 Defendant. 16 17 18 Before the  
court is plaintiff's motion for an extension of time to file a notice of appeal of 19 the April 15,  
2025 judgment in this action.

(ECF No. 16.) 20 Because an agency of the United States is a party, the notice of appeal was  
required to be 21 filed within sixty days after the entry of final judgment. Fed. R. App. P. 4(a)(1)  
(B). This time 22 constraint is "both mandatory and jurisdictional." United States v. Sadler, 480  
F.3d 932, 937(9th 23 Cir. 2007). Given the April 15, 2025 judgment, plaintiff's notice of appeal  
was due no later than 24 June 14, 2025.

25 Plaintiff filed the instant motion to extend time on June 13, 2025, requesting a 60-day 26  
extension of time to find new counsel for her appeal, as she is no longer represented by counsel in  
27 this matter. (ECF No. 16.)

Under Rule 4(a)(5) of the Federal Rules of Appellate Procedure, the 28 district court may extend  
the time to file a notice of appeal if: 1 (i) a party so moves no later than 30 days after the time  
prescribed by this Rule 4(a) expires; and 2 (ii) regardless of whether its motion is filed before or  
during the 30 3 days after the time prescribed by this Rule 4(a) expires, that party shows excusable  
neglect or good cause.

4 5 Here, plaintiff timely moved to extend time to file an appeal, and her current pro se status 6 |  
and attempt to find new counsel to represent her in the appeal constitute good cause to extend 7].  
time. 8 Accordingly, IT IS HEREBY ORDERED THAT: 9 10 1. Plaintiff's motion for extension of

time to file notice of appeal (ECF No 16) is 11 GRANTED; and 12 2. Plaintiff shall file any notice of appeal on or before August 13, 2025.

Dated: June 23, 2025 4 ☐☐.. oe 14 ( NO flu i: i e { eng 15 CAROLYN K. DELANEY UNITED STATES MAGISTRATE JUDGE 16 17 18 19 20 21 2/celi1031.ord\_appeal 22 23 24 25 26 27 28

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