

**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

OPINION

(SS) Celillo v. Commissioner of Social Security

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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

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