

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Duckett v. Garcia

No. 23-cv-04748 BLF (PR), United States District Court for the Northern District of California (August 7, 2025)

SUMMARY

The United States District Court for the Northern District of California grants Jasmine Duckett's motion for an extension of time to file a notice of appeal. The court finds that the motion was timely under Federal Rule of Appellate Procedure 4(a)(5) and that the plaintiff demonstrated good cause based on delayed mail and the need to obtain assistance. The court deems the notice of appeal timely filed.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 7, 2025
DOCKET	23-cv-04748 BLF (PR)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Appellate Procedure 4(a)(5) for an extension of time to file a notice of appeal from the judgment granting defendant's motion for summary judgment.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Jasmine Duckett v. P. Garcia

TOPICS

- appellate procedure
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- appellate procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's motion for an extension of time to file a notice of appeal was timely under Federal Rule of Appellate Procedure 4(a)(5).
2. Whether plaintiff demonstrated good cause or excusable neglect warranting an extension of the appeal period.
3. Whether the notice of appeal should be deemed timely filed.

HOLDINGS

1. A motion for an extension of time under Federal Rule of Appellate Procedure 4(a)(5) may be filed within thirty days after expiration of the original notice-of-appeal period; because judgment was entered June 17, 2025, plaintiff's August 4, 2025 motion was timely.
2. Plaintiff established good cause for an extension based on delayed mail and the need to obtain assistance with the appeal.

KEY QUOTATIONS

“Rule 4(a)(5) allows a motion for an extension of time if the party requests it within thirty days of the expiration of the time to file the notice and shows excusable neglect or good cause.” (at 2)

“Furthermore, the Court finds Plaintiff has shown good cause for the request based on the delay of mail and need to find assistance.” (at 2)

“Based on the foregoing, Plaintiff's motion is GRANTED. The notice of appeal is deemed timely filed.” (at 2)

FACTUAL BACKGROUND

Jasmine Duckett, a state inmate, filed a pro se civil-rights complaint under 42 U.S.C. § 1983. The district court granted summary judgment for defendant P. Garcia and entered judgment on June 17, 2025. Duckett stated that she did not receive the final order and judgment until the first week of July because she had been transferred to the California Medical Facility, and that she later obtained assistance with her appeal.

PROCEDURAL HISTORY

Plaintiff, a state inmate proceeding pro se, filed a civil-rights action under 42 U.S.C. § 1983. The court granted defendant's motion for summary judgment and entered judgment on June 17, 2025. Plaintiff filed a motion for an extension of time and a notice of appeal on August 4, 2025, asserting that delayed receipt of the judgment and her transfer to another facility prevented an earlier filing.

DISPOSITION

other

CASES CITED

- *Malone v. Avenenti*, 650 F.2d 569, 572 (9th Cir. 1981)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF
CALIFORNIA 10 JASMINE DUCKETT, 11 Case No. 23-cv-04748 BLF (PR) Plaintiff, 12
ORDER GRANTING MOTION FOR v. EXTENSION OF TIME TO FILE 13 NOTICE OF
APPEAL 14 P. GARCIA, 15 Defendant. 16 (Docket No. 28) 17 18 Plaintiff, a state inmate, filed a
pro se civil rights complaint under 42 U.S.C. § 19 1983.

On June 17, 2025, the Court granted Defendant's motion for summary judgment 20 and entered
judgment the same day. Dkt. Nos. 25, 26. On August 4, 2025, Plaintiff filed a 21 motion for an
extension of time to file a notice of appeal, Dkt. No. 28, along with the 22 notice of appeal, Dkt.
No. 27. Plaintiff states that she did not receive the final court order 23 and judgment until the first
week of July due to being transferred to the California Medical 24 Facility.

Id. at 2. Plaintiff was subsequently able to get help with her appeal and filed the 25 instant motion
and the Notice of Appeal. Id. at 3. 26 An appeal of right may be taken only by filing a valid notice
of appeal in the district 27 court within the time allowed by the Federal Rules of Appellate
Procedure. Fed. R. App. 1 || appeal "be filed with the district clerk within 30 days after the entry of
the judgment or 2 || order appealed from." Fed.

R. App. P. 4(a)(1)(A). Rule 4(a)(5) allows a motion for an 3 || extension of time if the party
requests it within thirty days of the expiration of the time to 4 || file the notice and shows
excusable neglect or good cause. See Fed. R. App. P. 4(a)(5)(A); 5 || accord 28 U.S.C. § 2107(c)
("The district court may, upon motion filed not later than 30 6 || days after the expiration of the
time otherwise set for bringing appeal, extend the time for 7 || appeal upon a showing of excusable
neglect or good cause.").

Rule 4(a)(5) requires a 8 || "formal motion" that, among other things, "explicitly request[s] an
extension of time." 9 || Malone v. Avenenti, 650 F.2d 569, 572 (9th Cir. 1988) 10 Since judgment
was entered on June 17, 2025, Plaintiff had until July 17, 2025, to 11 || file a timely notice of
appeal. Fed. R. App. P. 4(a)(1).

Under Rule 4(a)(5), Plaintiff had 2 thirty days thereafter, 7.e., until August 16, 2025, to file a
motion for an extension of time. E 13 Therefore, the motion filed on August 4, 2025, was timely
filed. Furthermore, the Court S 14 || finds Plaintiff has shown good cause for the request based on
the delay of mail and need to 3 15 || find assistance. 16 Based on the foregoing, Plaintiff's motion
is GRANTED.

The notice of appeal is 5 17 deemed timely filed. 5 18 This order terminates Docket No. 28. 19 IT
IS SO ORDERED. 20 || Dated: — August 7, 2025 ☐☐☐ hcchian ETH LABSON F REEMAN
United States District Judge 22 23 24 || pRo-sHBLACR 23004748Dueker cot appeal 26 27

