

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

Dannail Obhof v. Warden Harold May

Dannail Obhof v. Warden Harold May · No. 1:23-cv-2000 · Decided March 9, 2026

SUMMARY

The United States District Court for the Northern District of Ohio denied Dannail Obhof’s motion for an extension of time to file a notice of appeal from the denial of his 28 U.S.C. § 2254 habeas petition. The court held that the motion was filed outside the time permitted by Federal Rule of Appellate Procedure 4(a)(5)(A) and therefore could not be granted based on excusable neglect or good cause. The court also found no basis to reopen the appeal period under Rule 4(a)(6) because the judgment had been timely served.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Sara Lioi
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	March 9, 2026
DOCKET	1:23-cv-2000
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought an extension of time to file a notice of appeal from the denial of his federal habeas petition.
STANDARD OF REVIEW	The court applied the jurisdictional and deadline requirements of Federal Rule of Appellate Procedure 4; no distinct deferential standard of review was stated.
PRECEDENTIAL VALUE	Unpublished district court opinion and order; persuasive at most.
PARTIES	Dannail Obhof v. Warden Harold May

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Federal appellate procedure

QUESTIONS PRESENTED

1. Whether the district court could extend the time to file a notice of appeal when the motion was filed more than 30 days after the original appeal period and more than 30 days after the expiration of the period for seeking an extension under Federal Rule of Appellate Procedure 4(a)(5)(A).
2. Whether the district court could consider Obhof's allegations of excusable neglect or good cause despite the untimeliness of his extension motion.
3. Whether the court could reopen the appeal period under Federal Rule of Appellate Procedure 4(a)(6).

HOLDINGS

1. A district court may extend the time to file a notice of appeal under Rule 4(a)(5)(A) only when the motion is filed within 30 days after the expiration of the original appeal period and the movant shows excusable neglect or good cause. Because Obhof's motion was filed outside that 30-day window, he was not entitled to an extension.
2. When a motion for an extension of time is not filed within the 30-day window required by Rule 4(a)(5)(A), the district court lacks authority to consider allegations of excusable neglect or good cause.
3. The time limit for filing a notice of appeal under Rule 4(a)(1)(A) is mandatory and jurisdictional, and failure to timely file a notice of appeal deprives the appellate court of jurisdiction.

KEY QUOTATIONS

"This time limit is "mandatory and jurisdictional."" (at 2)

"Because Obhof clearly failed to seek an extension of time within 30 days of the expiration of the original filing period, he is not entitled to an extension under Fed. R. App. P. 4(a)(5)(A)." (at 3)

"Accordingly, there is no basis in the record for the Court to reopen the time to file an appeal." (at 3)

FACTUAL BACKGROUND

The district court entered judgment denying Obhof's § 2254 habeas petition with prejudice on August 6, 2025, and the docket reflected that the decision and judgment were mailed to him at the correctional facility where he was incarcerated. His notice of appeal was due September 5, 2025. Obhof signed a motion for an extension of time on January 7, 2026, citing limited education, financial constraints, and reading and comprehension disabilities.

PROCEDURAL HISTORY

Obhof filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court denied the petition with prejudice on August 6, 2025, entered judgment, and declined to issue a certificate of appealability. Obhof signed a motion for an extension of time on January 7, 2026, but the motion was filed well after the

applicable appeal and extension deadlines and was initially misdirected to the Federal Circuit. The district court denied the motion.

DISPOSITION

other

CASES CITED

- Browder v. Dir., Dep't of Corrections, 434 U.S. 257, 264, 96 S. Ct. 556, 54 L. Ed. 2d 521 (1978)
- In re East Palestine Train Derailment, 158 F.4th 704, 710-11 (6th Cir. 2025)
- Bowles v. Russell, 551 U.S. 205, 209, 127 S. Ct. 2360, 168 L. Ed. 2d 96 (2007)
- Rhoden v. Campbell, 153 F.3d 773, 774 (6th Cir. 1998)
- Beard v. Carrollton R.R., 893 F.2d 117, 120 (6th Cir. 1989)
- Pryor v. Marshall, 711 F.2d 63, 64-65 & n.3 (6th Cir. 1983)
- Houston v. Lack, 487 U.S. 266, 270-72, 108 S. Ct. 2379, 101 L. Ed. 2d 245 (1988)
- Towns v. United States, 190 F.3d 468, 469 (6th Cir. 1999)