

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Raquel Bredemeier v. State of Nebraska

Bredemeier · No. 8:25-cv-00610 · Decided January 21, 2026

SUMMARY

The United States District Court for the District of Nebraska grants Raquel Bredemeier’s motion for an extension of time to appeal the dismissal without prejudice of her habeas petition. The court finds good cause under Federal Rule of Appellate Procedure 4(a)(5) and sets February 4, 2026, as the deadline to file a notice of appeal and request a certificate of appealability. The order also directs the Clerk to provide an in forma pauperis application and establish a corresponding case-management deadline.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	John M. Gerrard
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	January 21, 2026
DOCKET	8:25-cv-00610
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for an extension of time to appeal the dismissal without prejudice of her federal habeas petition. The district court granted the motion under Federal Rule of Appellate Procedure 4(a)(5)(A).
STANDARD OF REVIEW	The court considered whether Petitioner had shown excusable neglect or good cause warranting an extension of the appeal deadline under Federal Rule of Appellate Procedure 4(a)(5)(A).
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Raquel Bredemeier v. State of Nebraska

TOPICS

- appellate procedure
- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should extend the time for Petitioner to file a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5)(A) based on excusable neglect or good cause.
2. What deadline and conditions govern Petitioner's filing of a notice of appeal following the granted extension.

HOLDINGS

1. The court granted Petitioner's motion for an extension of time because she timely sought the extension and showed good cause through her asserted good-faith effort, nonintentional misunderstanding, and prompt corrective action.
2. The extension could run until February 4, 2026, and no further extension could be granted under Rule 4(a)(5).

KEY QUOTATIONS

"This requirement is both "mandatory and jurisdictional.""

"Upon consideration and for good cause shown, the Court will grant Petitioner's motion."

"The Court cannot grant any further extensions of that deadline."

FACTUAL BACKGROUND

The district court had dismissed Petitioner's habeas petition without prejudice for failure to exhaust state-court remedies and had denied a certificate of appealability. Petitioner did not file a notice of appeal by December 31, 2025, but moved for an extension on January 16, 2026. She represented that her failure resulted from a nonintentional misunderstanding of the filing requirements and that she had acted promptly and diligently to correct the error.

PROCEDURAL HISTORY

The court dismissed Petitioner's habeas petition without prejudice on November 21, 2025, for failure to exhaust state-court remedies and denied a certificate of appealability. An amended judgment was entered on December 1, 2025. After the December 31, 2025 appeal deadline passed without a notice of appeal, Petitioner filed a timely motion for an extension on January 16, 2026. The court granted the motion and set February 4, 2026, as the deadline for filing a notice of appeal.

DISPOSITION

other

CASES CITED

- *Burgs v. Johnson County, Iowa*, 79 F.3d 701, 702 (8th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
RAQUEL BREDEMEIER, Petitioner, 8:25CV610 vs. MEMORANDUM AND ORDER STATE
OF NEBRASKA, Respondent. This matter is before the Court on what the Court construes as
Petitioner Raquel Bredemeier's motion for an extension of time to file an appeal. Filing No. 14.
Liberally construed, Petitioner seeks an extension of time to file an appeal of this Court's
judgment of dismissal to the Eighth Circuit Court of Appeals.

For the reasons that follow, the Court will grant Petitioner's motion. Federal Rule of Appellate
Procedure 4(a)(1)(A) sets forth that a notice of appeal in a civil case must be filed within 30 days
of the entry of judgment. This requirement is both "mandatory and jurisdictional." *Burgs v.*
Johnson Cnty., Iowa, 79 F.3d 701, 702 (8th Cir. 1996). A district court may extend the time to file
a notice of appeal if a party moves for an extension of time and shows excusable neglect or good
cause, provided that the party moves for the extension of time within 30 days of the expiration of
the 30-day period set out in Rule 4(a)(1)(A).

Fed. R. App. P. 4(a)(5)(A). Here, the Court dismissed Petitioner's habeas petition without
prejudice on November 21, 2025, for failure to exhaust her state-court remedies and denied her a
certificate of appealability.¹ Filing Nos. 9 & 10.

The Court entered 1 The Court notes that Petitioner "cannot take an appeal unless a circuit justice
or a circuit or district judge issues a certificate of appealability under 28 U.S.C. § 2253(c)." Fed.
R. App. an amended judgment on December 1, 2025, to clarify that the petition was dismissed
without prejudice. Petitioner had until December 31, 2025, to file a notice of appeal.

Petitioner did not file a notice of appeal by that date but instead filed the present timely motion for
an extension on January 16, 2026.² In her motion, Petitioner states she has made a good faith
effort to comply with applicable procedural requirements and her "procedural deficiency resulted
from a misunderstanding of the filing requirements," "was not intentional," and she "has acted
promptly and diligently to correct the error." Filing No. 14.

Upon consideration and for good cause shown, the Court will grant Petitioner's motion. Petitioner
has until February 4, 2026, to file³ a notice of appeal. See Fed. R. App. P. 4(a)(5)(C) (no extension
under Rule 4(a)(5) may exceed 30 days after prescribed time to file notice of appeal or 14 days
after date when order granting motion is entered, whichever is later).

The Court cannot grant any further extensions of that deadline. See *id.* Petitioner is further advised
that, along with her notice of appeal, she must either submit P. 22(b)(1). "If the district judge has
denied the certificate, the applicant may request a circuit judge to issue it." *Id.* Rule 22(b)(2) of the
Federal Rules of Appellate Procedure further provides that "[i]f no express request for a certificate

is filed, the notice of appeal constitutes a request addressed to the judges of the court of appeals.” Thus, any notice of appeal filed by Petitioner may also serve as a request to the Eighth Circuit Court of Appeals for a certificate of appealability.

2 Petitioner filed her motion for extension of time after the expiration of the time prescribed for filing a notice of appeal in Federal Rule of Appellate Procedure 4(a)(1), and Rule 4(a)(5)(B) normally requires that notice of such a motion be given to the other parties.

Here, the Court dismissed Petitioner’s petition on initial review and did not require the respondent to respond and a CM/ECF notice of electronic filing of Petitioner’s motion was delivered to the Nebraska Attorney General as an interested party.

Under these circumstances, the Court finds consideration of Petitioner’s motion to be proper. 3 Petitioner is advised that, pursuant to Federal Rule of Appellate Procedure 4(c)(1), a prisoner’s notice of appeal is timely filed if deposited in the institution’s internal mail system on or before the last day for filing and accompanied by a declaration as to mailing, the \$605.00 filing and docket fees to the Clerk’s office or submit a request to proceed in forma pauperis using the enclosed form.

To be clear, the Court is only granting an extension of time for Petitioner to file her appeal of this Court’s judgment to the Eighth Circuit Court of Appeals. The extension of time does not apply to any other appeals Petitioner may be alluding to in her motion, including any state court appeals. IT IS THEREFORE ORDERED that: 1. Petitioner’s motion for extension of time to file an appeal, Filing No. 14, is granted.

Petitioner has until February 4, 2026, to file in this Court a timely notice of appeal and a request to the Eighth Circuit Court of Appeals for a certificate of appealability. 2. The Clerk of the Court is directed to send to Petitioner the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”). 3.

The Clerk of the Court is directed to set a pro se case management deadline using the following text: February 4, 2026: deadline to file notice of appeal. Dated this 21st day of January, 2026. BY THE ys M. Gerrard enior United States District Judge