

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

LEVI SPRINGER,)	
)	
Plaintiff,)	Case No. 7:16CV00081
)	
v.)	OPINION AND ORDER
)	
WARDEN BARKSDALE, ET AL.,)	By: James P. Jones
)	United States District Judge
Defendants.)	

Levi Springer, Pro Se Plaintiff.

By Opinion and Order entered on March 14, 2016, I summarily dismissed this pro se prisoner civil rights action under 42 U.S.C. § 1983, because the plaintiff has three strikes under 28 U.S.C. § 1915(g) and failed to show imminent danger of serious physical harm. Now, the plaintiff has filed a “MOTION FOR RELIEF FROM JUDGMENT OR ORDER.” (ECF No. 4.) Despite the title of his motion, the plaintiff’s submission is merely asking for an extension of time to appeal the dismissal order of March 14.

I cannot find that the plaintiff has timely filed his motion or that he has shown excusable neglect or good cause for failing to file in a timely manner.¹ *See*

¹ The plaintiff alleges that he did not receive a copy of the Final Order until March 30, 2014. After receiving notice of the dismissal of his case, the plaintiff allegedly “was overwhelmed with staff’s refusal to provide medical attention for injuries to his ankles, refusal to provide informal complaints, and receive access to law library cases and materials in the allotted amount of time to properly file a notice of appeal”

Fed. R. App. P. 4(a)(5)(A) (“The district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) . . . that party shows excusable neglect or good cause.”).

I also cannot find that the plaintiff has stated facts showing any ground on which to reopen his time to appeal. *See* Fed. R. App. P. 4(a)(6) (“The district court may reopen the time to file an appeal . . . only if . . . the moving party did not receive notice [of] order sought to be appealed within 21 days after entry . . . [and the motion is filed] within 14 days after the moving party receives notice” of entry).

For the reasons stated, it is **ORDERED** that the plaintiff’s motion (ECF No. 4) is hereby **CONSTRUED** as requesting an extension of time to appeal the Final Order entered on March 14, 2016, and that motion is hereby **DENIED**.

ENTER: July 13, 2016

/s/ James P. Jones
United States District Judge

(Mot. 1, ECF No. 4.) The plaintiff did not sign and date any portion of his submission until July 7, 2016.