

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

November 10, 2020

Before:

Diane P. Wood, *Circuit Judge*
David F. Hamilton, *Circuit Judge*
Amy J. St. Eve, *Circuit Judge*

KESHA S. PACKER,
Plaintiff-Appellant,

No. 20-2584 v.

WISCONSIN DEPARTMENT OF
CORRECTIONS,
Defendant-Appellee.

Defendant-Appellee.

Appeal from the United
States District Court for
the Eastern District of
Wisconsin.
]
]
No. 2:18-cv-02024
]
J. P. Stadtmueller,
Judge.

ORDER

On consideration of the papers filed in this appeal and review of the short record.

IT IS ORDERED that this appeal is DISMISSED for lack of jurisdiction.

Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal in a civil case be filed in the district court within 30 days of the entry of the judgment or order appealed. In this case judgment was entered on June 16, 2020, and the notice of appeal was filed on August 20, 2020, 35 days late. The district court denied an extension of the appeal period because the motion was untimely. *See* 28 U.S.C. § 2107(c); Fed. R. App. P. 4(a)(5). The district court was correct in doing so. And, this court is not empowered to grant an extension. *See* Fed. R. App. P. 26(b).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KESHA S. PACKER,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 18-CV-2024-JPS
7th Cir. Case No. 20-2584

ORDER

1. INTRODUCTION

On December 26, 2018, Plaintiff filed a *pro se* complaint, alleging Defendant discriminated against her by subjecting her to a hostile work environment. (Docket #1). About eight months later, Attorney Jeff Scott Olson entered a notice of appearance on behalf of Plaintiff. (Docket #17). On June 16, 2020, the Court granted Defendant's motion for summary judgment and dismissed Plaintiff's action with prejudice. (Docket #40). Attorney Olson advised Plaintiff via e-mail that "[w]e have the right to file an appeal within[] 30 days" but recommended against appealing because "the Seventh Circuit Court of Appeals in Chicago would probably reach the same conclusion." (Docket #45 at 7). In the same communication, Attorney Olson offered to "continue to help [Plaintiff] deal with the State of Wisconsin when [she] need[s] it." (*Id.*) To date, Attorney Olson has not filed with this Court a motion to withdraw as counsel.

Notwithstanding Attorney Olson's continued representation of Plaintiff, Plaintiff independently reached out to "the Eastern District Circuit Court directly and talked to clerks regarding where to find information for

pro se litigants and rules for Seventh District Circuit Court." (Docket #42 at 1). Call logs show Plaintiff dialed the phone number to the Seventh Circuit Clerk's office on June 19, 2020. (Docket #45 at 8). The staff person the Plaintiff spoke with directed her to informational resources titled "Brief Information Sheet for Pro Se Litigants" and "Pro Se Instructions for Preparing Docketing Statement." (Docket #42 at 1). Plaintiff subsequently filed a motion for leave to proceed *in forma pauperis* with the United States Court of Appeals for the Seventh Circuit. (Docket #45 at 18–23).

If Plaintiff filed a notice of appeal or an appellant's brief with the Seventh Circuit, this Court has not received it.¹ Plaintiff appears to have believed the *in forma pauperis* motion and affidavit served as "[her] actual appeal." (Docket #42 at 1). Plaintiff's mailing receipt shows she mailed her "appeal" on July 11, 2020, with projected delivery on July 15, 2020. (Docket #45 at 9). The Seventh Circuit received Plaintiff's *in forma pauperis* motion on July 30, 2020 and sent her a letter the same day, notifying Plaintiff that she had no current appeal. (*Id.* at 17). Plaintiff, who was traveling from August 7–13, did not receive the Seventh Circuit's July 30 notification until on or after August 13. (Docket #42 at 1).

On August 17 and 18, 2020, Plaintiff communicated with a staff person, Jim Richmond, at the Seventh Circuit, who advised her that she should have filed a notice of appeal with the district court, and to move for an extension of time to file the same. (Docket #45 at 24–26). Mr. Richmond acknowledged Plaintiff's "affidavit/motion for IFP was dated July 10th," but informed her that, pursuant to Federal Rule of Appellate Procedure

¹The record does include a cover sheet titled "Brief for Appellant" but there is no formal brief attached. (Docket #45 at 16).

4(d), the district court would use July 30 as the “filed date if [he] were to send [her] brief to the district court to act as [her] notice of appeal.” (*Id.*) On August 20, 2020, this Court received Plaintiff’s Notice of Appeal. (Docket #43).

As discussed below, because Plaintiff’s motion to extend the time to file a notice of appeal notice of appeal is untimely, the Court is obliged to deny the motion.

2. TIMELINESS ANALYSIS

2.1 Plaintiff’s motion to extend the time to file a notice of appeal does not meet the requirements of the applicable rules.

Plaintiff’s motion to extend the time to file a notice of appeal must be denied because it does not meet the threshold requirements of the applicable Federal Rules of Appellate Procedure. Appeals of a final order and judgment must be taken by filing a notice of appeal with the district court within thirty days. Fed. R. App. P. 3(a); Fed. R. App. P. 4(a)(1)(A). There are two exceptions to the thirty-day timeliness requirement in Rule 4(a)(1)(A). Plaintiff’s motion appears to invoke both exceptions. (Docket #42). However, she has not satisfied the requirements to claim either.

The first exception plainly does not apply to Plaintiff. Rule 4(a)(6) allows a district court to reopen the time to file a notice of appeal when the moving party fails to receive notice of the judgment within twenty-one days of its entry. Fed. R. App. P. 4(a)(6). Attorney Olson received notice of the Court’s summary judgment order on the day it was issued, and forwarded the order to Plaintiff on the same date. (Docket #45). Neither counsel nor Plaintiff lacked notice; the Court cannot reopen the time to file a notice of appeal on this basis.

The second exception also does not apply to Plaintiff. Rule 4(a)(5) allows a district court to extend the time in which to file a notice of appeal if the party (1) moves for such relief within thirty days of the original thirty-day deadline and (2) shows excusable neglect or good cause in failing to timely file a notice of appeal. Fed. R. App. P. 4(a)(5)(A)(i)–(ii). This exception cannot apply to Plaintiff, as she has not met the Rule's first requirement of timeliness. Plaintiff had until July 16, 2020 to file a notice of appeal with the district court; accordingly, she had until August 17, 2020 to move for an extension of time to file a notice of appeal. Plaintiff did not meet either deadline. Thus, her motion is not timely.

Although Plaintiff failed, in terms of calendar days, to meet 4(a)(5)(A)(i)'s timeliness requirement, the Court acknowledges that she faced a tangled set of circumstances that impeded her ability to meet said requirement. These circumstances approximate "excusable neglect" as required by Rule 4(a)(5)(A)(ii).² Excusable neglect generally occurs when a litigant misses a deadline due to circumstances beyond her control, such as mail delays or misrepresentations by judicial officers. *Prizevoits v. Ind. Bell Tel. Co.*, 76 F.3d 132, 134 (7th Cir. 1996). Excusable neglect may also extend to instances of the litigant's own carelessness, mistake, or plausible misunderstanding of ambiguous procedural requirements. *Id.*; see also *Lewis v. Sch. Dist. #70*, 523 F.3d 730, 740 (7th Cir. 2008) (upholding a finding of excusable neglect when the defendant untimely filed its Federal Rule of Civil Procedure Rule 6 motion based on a misunderstanding of the rule and

²The movant must show "excusable neglect or good cause." Fed. R. App. P. 4(a)(5)(A)(ii). "Good cause" is a distinct determination and applies only when the litigant requests the extension before the original 30 days are up. *Prizevoits v. Ind. Bell Tel. Co.*, 76 F.3d 132, 133 (7th Cir. 1996). Good cause does not apply here.

the magistrate and district judges accepted the motion based on same misunderstanding). On the other hand, a litigant's inability or refusal to apprise herself of the plain language of federal rules is not excusable neglect. *Prizevoits*, 76 F.3d at 133. Whether the litigant's neglect is "excusable" is a fact-sensitive and equitable determination for the trial court. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993).

The Court acknowledges that the facts of Plaintiff's case could add up to excusable neglect. It appears that there were circumstances beyond her control that may have led her to file in the wrong venue what she incorrectly believed was a notice of appeal. First, Plaintiff acted on information from her counsel, Attorney Olson, who failed to clearly communicate whether Plaintiff wanted to appeal, whether he would represent her in an appeal or withdraw as counsel, and how and where she could proceed *pro se*.³ (Docket #45 at 7). Second, Plaintiff acted on incomplete information from the Seventh Circuit—the information sheets to which she initially was referred do not indicate the venue for filing a notice of appeal. (Docket #42 at 1). Third, the record suggests (but does not establish) that some combination of mail delay, delay in the Seventh

³A represented party does not have an affirmative right to submit *pro se* briefs or motions. *United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998); *see also United States v. Rollins*, 309 F. App'x 37, 38 (7th Cir. 2009). The Seventh Circuit disfavors but does not bar *pro se* briefs or motions by represented parties. *United States v. Patterson*, 576 F.3d 431, 436 (7th Cir. 2009). The district court has discretion over whether to recognize such briefs or motions. *Id.* at 437; *see also Edwards v. Schrubbe*, No. 10-CV-729, 2013 WL 1808260, at *1 (E.D. Wis. Apr. 29, 2013) (recognizing *pro se* motion from a represented litigant, when the motion alleged ineffective assistance of counsel by the litigant's *pro bono* attorney).

Circuit's acceptance of her filing, or the Seventh Circuit's failure to forward her filing to the Court⁴ contributed to her missing the July 16 deadline.⁵ (Docket #45 at 9, 17–18).

On the other hand, the mandates of Rules 3 and 4 are straightforward; unlike in *Lewis*, there is no showing here that the applicable rules are so confusing as to have led even court officials to misinterpret them. The applicable Rules of Appellate Procedure are available on the Seventh Circuit's website; Plaintiff viewed that website to access information sheets but failed to apprise herself of and follow the applicable rules. Similarly, on its website, the Eastern District makes available to *pro se* litigants a notice of appeal form; Plaintiff did not use this form until her August 20 filing.

Although unclear from the record, Attorney Olson's apparent omissions may have contributed to Plaintiff's failure to follow clear

⁴If, that is, the Seventh Circuit had a duty to forward her filing. When a party mistakenly files a notice of appeal in the court of appeals, the clerk of that court must note the date of receipt and forward the notice to the district clerk. Fed. R. App. P. 4(d). The notice of appeal must state the party taking the appeal, the order being appealed, and the court to which the appeal is taken. Fed. R. App. P. 3(c)(1)(A)–(C). Plaintiff's *in forma pauperis* filing, while not formally a notice of appeal, did fulfill Rule 3's content requirements. However, the Seventh Circuit's response indicates Plaintiff had no current appeal (Docket #45 at 17), i.e. that it did not read her *in forma pauperis* filing as a notice of appeal. The Seventh Circuit elected not to forward Plaintiff's filing to this Court. The Seventh Circuit Local Rules do not indicate its policy or practice in this regard. Whether the Circuit has, or should have, a policy or practice to liberally construe *pro se* filings is far beyond the scope of this order.

⁵Further, circumstances beyond Plaintiff's control (the COVID-19 public health emergency, and counsel's failure to formally withdraw from the case) may have impacted her access to in-person or electronic methods that could have guaranteed timely filing of her notice of appeal.

procedural rules.⁶ Plaintiff may also have been similarly impacted by the misrepresentations or omissions by the Seventh Circuit staff. However, even if the Court could engage in additional fact-finding to determine whether Plaintiff's circumstances qualify as excusable neglect, this question is moot because excusable neglect does not enable the Court to modify the timeliness requirement of Rule 4.

2.2 The Court may not waive Rule 4(a)(5)(A)(i)'s timeliness requirement.

Plaintiff has failed to meet Rule 4(a)(5)(A)(i)'s timeliness requirement, and without timeliness, the Court cannot grant her motion. Rule 4(a)(5)(A) clearly stipulates that the Court may only grant a motion to extend the time to file a notice of appeal if *both* its conditions are satisfied. Fed. R. App. P. 4(a)(5)(A)(i)–(ii) ("[t]he 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 . . .* the party shows excusable neglect or good cause") (emphasis added); *see also* 28 U.S.C. § 2107(c).

Furthermore, the Court is not at liberty to waive the timeliness requirement, however compelling Plaintiff's individual circumstances may be. A district court may not waive a timeliness requirement that is jurisdictional in nature and delineates the cases a court may hear. *Bowles v. Russell*, 551 U.S. 205, 213 (2007). A timeliness requirement is jurisdictional when the requirement is authorized by statute. *Compare id.* at 210 (finding Federal Rule of Appellate Procedure 4(a)(6) to be jurisdictional in nature because its timeliness requirement is explicitly stated in 28 U.S.C. § 2107(c)(1)–(2)) *with Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13,

⁶At the same time, a litigant may be held responsible for the omission of her attorney. *Pioneer*, 507 U.S. at 396.

21 (2017) (finding Federal Rule of Appellate Procedure 4(a)(5)(C) not to be jurisdictional in nature because its timeliness requirement does not appear in 28 U.S.C. § 2107(c)).

Additionally, a timeliness requirement is jurisdictional when it relates to a transfer of adjudicatory authority from one Article III court to another Article III court. *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, 437 (2011) (recognizing that the applicable timeliness requirement was indeed authorized by statute but declining to extend *Bowles* because the requirement applied to adjudication by administrative agencies, not Article III courts). Finally, even if a litigant’s failure to meet the timeliness requirement is due to his or her reliance on the court’s own representation that it will accept an untimely filing, timeliness requirements that are jurisdictional may not be waived. *Bowles*, 551 U.S. at 214.

The timeliness requirement that governs Plaintiff’s motion is jurisdictional in nature and cannot be waived. Rule 4(a)(5)(A) spells out the same requirement authorized by statute in 28 U.S.C. § 2107(c). The Rule relates to transfer of adjudicatory authority between Article III courts for review. The Rule is a textbook example of a non-waivable jurisdictional requirement. Even if it was the Seventh Circuit’s (not Plaintiff’s or counsel’s) error or omission that caused Plaintiff to miss her filing deadline, judicial misrepresentation is not grounds for waiver of this jurisdictional timeliness requirement.

It is true that Plaintiff’s specific motion to extend the time to file a notice of appeal, if granted, would place the question of excusable neglect back before this Court and not the Court of Appeals—in other words, granting the motion would not *directly* effect a transfer of adjudicatory authority from the District Court to the Circuit Court. *Henderson* is silent on

what, if any, "direction" the transfer of adjudicatory authority between Article III courts must travel, or how proximate the transfer must be, to qualify as a jurisdictional timeliness requirement. Such a distinction requires a narrow reading of *Henderson* and *Bowles* as well as disregarding Congress's intent that § 2107(c) act as a strict jurisdictional requirement. The Court cannot rule based on such a minute technicality.

The Court appreciates that Plaintiff is in difficult position. However, her motion is untimely and the Court cannot waive timeliness requirements.

3. PLAINTIFF'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

A plaintiff wishing to proceed on appeal *in forma pauperis* must submit an affidavit and motion. 28 U.S.C. § 1915(a)(1). A plaintiff may not proceed on appeal without prepayment of the filing fee unless the trial court certifies in writing that the appeal is taken in "good faith." 28 U.S.C. § 1915(a)(3). Because Plaintiff's motion to extend the time to file a notice of appeal is untimely, the Court will not assess whether her motion for leave to appeal *in forma pauperis* is taken in good faith and will deny that motion as moot.

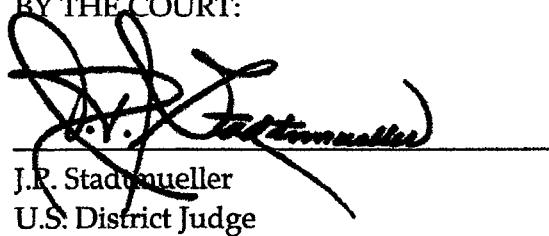
Accordingly,

IT IS ORDERED that Plaintiff's motion for an extension of time to file a notice of appeal (Docket #42) be and the same is hereby DENIED; and

IT IS FURTHER ORDERED that Plaintiff's motion for leave to appeal *in forma pauperis* (Docket #47) be and the same is hereby DENIED as moot.

Dated at Milwaukee, Wisconsin, this 1st day of October, 2020.

BY THE COURT:



J.R. Stadtmueller
U.S. District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KESHA S. PACKER,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 18-CV-2024-JPS

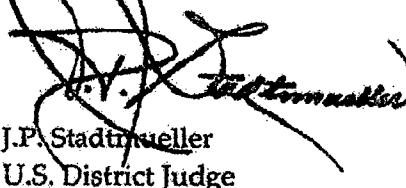
JUDGMENT

Decision by Court. This action came on for consideration before the Court and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendant's motion for summary judgment (Docket #23) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED AND ADJUDGED that this action be and the same is hereby **DISMISSED** with prejudice.

APPROVED:


J.P. Stadtmueller
U.S. District Judge

GINA M. COLLETTI
Clerk of Court
s/ Jodi L. Malek
By: Deputy Clerk

June 16, 2020
Date

United States Court of Appeals
For the Seventh Circuit
Office of the Clerk
219 South Dearborn Street, Room 2722
Chicago, Illinois 60604
312-435-5850

July 30, 2020

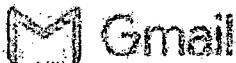
Dear Sir or Madam,

This letter is in regards to your most recent correspondence with the U.S. Court of Appeals. The enclosed documents are being returned to you unfiled. You do not have a current appeal.

Please see the Federal Rules of Appellate Procedure and Circuit Rules of the United States Court of Appeals for the Seventh Circuit for questions you may have.

Sincerely,

Pro Se Clerk



Key P <kespack@gmail.com>

Per our conversation

7 messages

Key P <kespack@gmail.com>
To: Jim_Richmond@ca7.uscourts.gov

Mon, Aug 17, 2020 at 6:26 PM

Hello Mr. Richmond,

Just spoke with you minutes ago regarding an appeal I filed as a pro se litigant. I have attached all the documents that were returned to me. I apologize for so many attachments, but my scanner is a home scanner and does not scan a large volume of documents at one time. FYI also the attached contains a duplicate of a page because when scanning it scanned 2 pages at once so I rescanned the last two pages.

Kesha Packer
(414)614-0333

4 attachments

- 20200816_170116.PDF
509K
- 20200816_165949.PDF
2418K
- 20200816_165052.PDF
5548K
- 20200816_165445.PDF
13837K

Jim Richmond <Jim_Richmond@ca7.uscourts.gov>
To: Key P <kespack@gmail.com>

Mon, Aug 17, 2020 at 7:51 PM

Kesha,

Hi! I got your message with the attachments. I appreciate you sending them along to me. Basically I see your appellant's brief and motion/affidavit for IFP. I don't see that you ever filed a notice of appeal. Did you ever file a document entitled notice of appeal? Or did anyone tell you to file that you needed to file a notice of appeal?

Also, did we return your original envelope to you that shows that the postmark by the post office? If not, do you have any other proof of when the envelope was mailed to us?

I ask these questions as you have only 30 days to file a notice of appeal with the District Court, otherwise your appeal could be considered untimely. I see the July 10th and July 11th date on your two documents, but we didn't receive them until July 30th (according to our received stamp). Only the District Court Judge can grant an extension of time to file a notice of appeal. I'm citing to the Federal Rule of Appellate Procedure 4.

Let me know if this is everything you had sent us, and whether or not you had a notice of appeal. And whether or not you had your original envelope sent back or any other proof of mailing. Thanks

Jim
312-435-5383
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> <20200816_170116.PDF>
> <20200816_165949.PDF>
> <20200816_165052.PDF>
> <20200816_165445.PDF>

Key P <kespack@gmail.com>

Mon, Aug 17, 2020 at 10:04 PM

<https://mail.google.com/mail/u/0/?ik=85f498cc67&view=pt&search=all&permthid=thread-a%3Ar-6864137616932623783&simpl=msg-a%3Ar-88013432...> 1/3

8/18/2020

Gmail - Per our conversation

To: Jim Richmond <Jim_Richmond@ca7.uscourts.gov>

Hello Mr. Richmond,

Hope you don't mind, but to save time I answered your questions in the email. Answers italicized and in bold font to make it easier to identify.

Kesha Packer

On Mon, Aug 17, 2020 at 7:51 PM Jim Richmond <Jim_Richmond@ca7.uscourts.gov> wrote:

Kesha,

Hi! I got your message with the attachments. I appreciate you sending them along to me. Basically I see your appellant's brief and motion/affidavit for IFP. I don't see that you ever filed a notice of appeal. Did you ever file a document entitled notice of appeal? Or did anyone tell you to file that you needed to file a notice of appeal? ***No to both questions. I called the office prior to filing and spoke with someone who directed me to the pro se litigant resources for Seventh Circuit and I reviewed and printed them and followed them accordingly. (Brief and one was Docketing Statement)***

Also, did we return your original envelope to you that shows that the postmark by the post office? If not, do you have any other proof of when the envelope was mailed to us? ***No my original envelope was not returned to me. I was assuming that all my documents including the envelope would be scanned in when the court received it so that the record would reflect the postmark date. Nonetheless, I did take pictures prior to placing in the mail at the post office located in Roswell, GA. (Please attached.)***

[Quoted text hidden]

 attachments.zip

8736K

Key P <kespack@gmail.com>

Mon, Aug 17, 2020 at 11:12 PM

To: Jim Richmond <Jim_Richmond@ca7.uscourts.gov>

Sorry for the typos. 😊

[Quoted text hidden]

Jim Richmond <Jim_Richmond@ca7.uscourts.gov>

Mon, Aug 17, 2020 at 11:21 PM

To: Key P <kespack@gmail.com>

Kesha,

Hi. Thanks for your feedback and the envelope images. I can see that mailing label on your envelope says July 11th. That is the same date noted in your brief. I saw the affidavit/motion for IFP was dated July 10th. However, our court received the documents on July 30th. Pursuant to FRAP 4(d), it says the district court should use our received stamp as the filed date if I were to send your brief to the district court to act as your notice of appeal.

Unfortunately, that would make the notice of appeal (using July 30th as the filed date) appear to be untimely as you had only 30 days to appeal from the date the district court entered its judgment which I believe was on June 16th.

I am so sorry that you weren't given clearer instructions, especially to file a notice of appeal with the district court. That is how an appeal is started when you want to challenge the decision of the district court. However, you might still be able to send a motion for extension of time to file your notice of appeal pursuant to FRAP 4(a)(5) see <http://www.ca7.uscourts.gov/rules-procedures/rules/rules.htm#frap4> to the district court.

You file a motion for extension of time with the district court in Milwaukee and ask the district court judge for more time to appeal and provide your reasons why you need more time; even if you have to explain the confusing instructions provided by our clerks that you spoke with. With your motion, also include a copy of your notice of appeal to file (which you could follow this link to form 1 to see how basic the notice of appeal needs to be <http://www.ca7.uscourts.gov/rules-procedures/rules/rules.htm#form1>).

If you have any questions, please let me know. I think this is your best course of action to move forward. I can hold your brief and affidavit/motion for IFP and if the district court judge approves your motion for extension of time to file and accepts the notice of appeal, I can then file your brief and motion for IFP into the appeal that Milwaukee transmits us pursuant to FRAP 3(a). Thank you!

8/18/2020

Gmail - Per our conversation

Jim
312-435-5383
[Quoted text hidden]

<attachments:zip>

Key P <kespack@gmail.com>
To: Jim Richmond <Jim_Richmond@ca7.uscourts.gov>

Mon, Aug 17, 2020 at 11:42 PM

I appreciate you getting back to me, but I'd like to give you a call in the morning because I have questions.

I'll also go to the post office first thing in the morning before reaching out to your office so that I can see if they can assist me with tracking when it arrived to the courts. Also, I am thinking that with that being a federal building mail should be scanned and logged in. My envelope should be logged in and stamped received.

I have some other things needing clarification as well.

Talk to you soon
[Quoted text hidden]

Jim Richmond <Jim_Richmond@ca7.uscourts.gov>
To: Key P <kespack@gmail.com>

Tue, Aug 18, 2020 at 4:49 PM

Kesha:

Thanks for talking with me and letting me know what you had found, and found out. Whether by scan or taking a picture, can you share the tracking number for the envelope that came to our Court (the 219 S. Dearborn Street, Chicago, IL 60604) address? No rush. You take care of your motion and everything you need to do first. You can get back to me any time later this week. Thanks!

Jim

[Quoted text hidden]

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

NOTICE OF CASE OPENING

August 20, 2020

No. 20-2584	KESHA S. PACKER, Plaintiff - Appellant v. WISCONSIN DEPARTMENT OF CORRECTIONS, Defendant - Appellee
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Original Case Information:

District Court No. 2:18-cv-02024-JPS
Eastern District of Wisconsin
District Judge J. P. Stadtmueller
Clerk/Agency Rep Gina M. Colletti

Case filed: 08/21/2020
Case type: cv/pri
Fee status: IFP pending in D.C.
Date of Judgment: 06/16/2020
Date NOA filed: 08/20/2020

The above-captioned appeal has been docketed in the United States Court of Appeals for the Seventh Circuit.

Deadlines:

Appeal No.	Filer	Document	Due Date
20-2584	Kesha S. Packer	Docketing statement due	08/27/2020
20-2584	Kesha S. Packer	Transcript information sheet	09/03/2020

NOTE: This notice is issued to counsel of record, in furtherance of the revised *Circuit Rule 3(d)*, to provide necessary information regarding this appeal. Please verify this notice for accuracy. Counsel are encouraged to provide a fax and/or e-mail address to the court. If any corrections are necessary, please indicate those corrections on this notice and return it to the Clerk's Office within ten (10) days.

**THIS NOTICE SHALL NOT ACT AS A SUBSTITUTE FOR MOTIONS FOR NON-INVOLVEMENT /
SUBSTITUTION OF COUNSEL. COUNSEL ARE STILL REQUIRED TO FILE THE APPROPRIATE
MOTIONS.**

Important Scheduling Notice!

Hearing notices are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals are scheduled after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your appeal might be scheduled, please write the clerk advising him of the time period and the reason for your unavailability. The court's calendar is located at <http://www.ca7.uscourts.gov/cal/argcalendar.pdf>. Once an appeal has been scheduled for oral argument, it is very difficult to have the date changed. See Cir.R. 34(e).

form name: c7_Docket_Note(form ID: 108)