

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARK S. SASSMAN, SR.,)	
)	
Plaintiff,)	
vs.)	1:07-cv-1561-RLY-JMS
)	
UNITED AIRLINES, et. al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The appellant's request that the appeal be dismissed as claims against United Air Lines, Inc. and Alliance Credit Union (dkt. #19) is **granted**.
2. In light of the foregoing, the motions for summary judgment filed by United Air Lines, Inc. and Alliance Credit Union (dkt. #6, #10) are each **denied as moot**.
3. The appellant's request to name the Secretary of Labor as a party (dkt. #19) is **granted**.
4. The appellant had 60 days after the issuance of the September 28, 2007, decision of the Administrative Review Board of the Department of Labor in which to file an appeal. 49 U.S.C. § 42121(b)(4)(A). Such an appeal would properly have been filed in the United States Court of Appeals. *Id.* The last day for doing so in this case was November 27, 2007. The appeal was not filed until December 3, 2007. The appellant's arguments seeking the equitable tolling of this time period are unpersuasive. The Secretary of Labor's motion to dismiss or transfer (dkt. #14) is therefore **granted** to the extent that this action will be dismissed for lack of jurisdiction. The transfer of this action pursuant to 28 U.S.C. § 1631 is not proper in light of the delinquent filing of the appeal. *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 542 (9th Cir. 2004).

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 2/28/08



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana