

No. 12-3580

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JOHNNY BRANTLEY and CHARLENE)
BRANTLEY,)
)
Plaintiffs-Appellants,)
)
v.)
)
TITLE FIRST TITLING AGENCY, J.B.)
LIND, JAMES M. SCHNELL, ROSE MARIE)
L. FIORE, PAUL E. BLEVENS and EDWIN)
VARDIMAN,)
)
Defendants-Appellees.)
)

FILED
Jul 24, 2012
LEONARD GREEN, Clerk

ORDER

Before: KEITH, COLE, and STRANCH, Circuit Judges.

This matter is before the court upon consideration of the response to this court’s order directing Johnny Brantley and Charlene Brantley to show cause why their appeal should not be dismissed on the basis of a late notice of appeal. Johnny Brantley and Charlene Brantley responded by stating that it is their understanding that they are entitled to an extra three days to mail the notice of appeal pursuant to Federal Rule of Appellate Procedure 26(c) (“When a party may or must act within a specified time after service, 3 calendar days are added after the period would otherwise expire . . .”). They read this provision as extending the deadline for the notice of appeal to May 13, 2012, and assert that, because the appeals period ended on a Sunday, they had until May 14, 2012, in which to timely file.

The record indicates that the district court entered its judgment on April 10, 2012. The notice of appeal filed on May 11, 2012, is late. See Fed. R. App. P. 4(a) and 26(a). Federal Rule of Appellate Procedure 26(c) does not apply to the computation of time in which to file a notice of

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appeal because “the Rule 4 clock starts when a judgment is entered, not when service of the judgment is effected.” *See Ultimate Appliance CC v. Kirby Co.*, 601 F.3d 414, 416 (6th Cir. 2010). Therefore, timely filing of the notice of appeal has not been shown as provided by Federal Rule of Appellate Procedure 4(a).

It is ordered that appeal No. 12-3580 is dismissed.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, appearing to read "Jennal J. [unclear]", is written in black ink.

Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Leonard Green
Clerk

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Filed: July 24, 2012

Ms. Charlene Brantley
P.O. Box 11272
Cincinnati, OH 45211

Mr. Johnny Brantley
P.O. Box 11272
Cincinnati, OH 45211

Re: Case No. 12-3580, *Johnny Brantley, et al v. Title First Titling Agency, et al*
Originating Case No. : 1:11-cv-00864

Dear Madam and Sir,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Sue Burlage
Case Manager
Direct Dial No. 513-564-7012

cc: Clerk of the U.S. District Court for the Southern District of Ohio

Enclosure

No mandate to issue