



Undlin v. City of Minneapolis

2009 | Cited 0 times | D. Minnesota | April 20, 2009

ORDER

In an Order dated March 16, 2009, the Court dismissed Plaintiff's Complaint. Judgment was entered the next day. Plaintiff filed a request to make a motion to reconsider on March 30, 2009. In an Order dated April 10, 2009, the Court construed this request as a motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure, see *Broadway v. Norris*, 193 F.3d 987, 989 (8th Cir. 1999), and set a deadline of Friday, April 24, 2009, for Plaintiff to file a memorandum and exhibits in support of his Rule 59(e) motion. On April 16, 2009, Plaintiff filed a motion to stay the Order dismissing the Complaint, to extend the deadline for filing a notice of appeal, and to continue the deadlines for the Rule 59(e) motion. Plaintiff requested oral argument on his April 16 motion. The Court has determined that oral argument is unnecessary.

Federal Rule of Appellate Procedure 4(a)(4)(A)(iv) provides that when a party timely files a Rule 59(e) motion, "the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion." Accordingly, the time to file an appeal will not begin running until the Court enters an Order disposing of Plaintiff's Rule 59(e) motion. Plaintiff's motion to stay the Order dismissing the Complaint and extending the time to file an appeal is therefore denied as moot.

Although the caption of Plaintiff's April 16 motion indicates that Plaintiff seeks to continue the deadlines for his Rule 59(e) motion, Plaintiff does not appear to make any argument directed to the filing deadlines set forth in the April 20 Order. The Court therefore denies Plaintiff's April 16 motion insofar as it seeks to continue the deadlines for his Rule 59(e) motion. Accordingly, Plaintiff shall file his memorandum and exhibits in support of his Rule 59(e) motion on or before Friday, April 24, 2009. Defendants may file responsive memoranda on or before Friday, May 8, 2009.

Since the Court dismissed Plaintiff's Complaint on March 16, 2009, Plaintiff has sought in-person ex parte contact with the Court on two occasions. In addition, Plaintiff has sought legal advice from chambers staff over the telephone and in-person. These contacts are improper. Plaintiff is therefore prohibited from contacting, either in-person or by telephone, the Court and the Court's staff, unless the Hennepin County and Minneapolis Defendants participate through counsel during the contact.¹

Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion to Stay the Order Dismissing the Complaint, to Extend the Deadline for Filing a Notice of Appeal, and to Continue the Deadlines for the "Rule 59(e) Motion" [Docket No. 89] is



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DENIED AS MOOT insofar as Plaintiff seeks to stay the Order dismissing his Complaint and to extend the deadline for filing an appeal.

2. Plaintiff's Motion to Stay the Order Dismissing the Complaint, to Extend the Deadline for Filing a Notice of Appeal, and to Continue the Deadlines for the "Rule 59(e) Motion" [Docket No. 89] is DENIED insofar as Plaintiff seeks to continue the deadlines set forth in the April 10 Order.

3. Plaintiff shall refrain from contacting, either in-person or by telephone, the Court and the Court's staff, unless the Hennepin County and Minneapolis Defendants participate through counsel during the contact.

1. The Minneapolis Defendants are the City of Minneapolis, Tim Dolan, and Lance Faust. The Hennepin County Defendants are Hennepin County, Vernon Trombley, Brock Heldt, Brie Pileggi, Deb Miller, Robert Hillestad, Richard Stanek, and Brian Peterson.

