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Michelle Smith,)	
)	
Plaintiff,)	
)	
v.)	Case No. 15-cv-01798 (APM)
)	
Mayor, District of Columbia, et al.,)	
)	
Defendants.)	
)	

The Court of Appeals has directed this court to “determine whether appellant [Michelle D. Smith] filed a timely notice of appeal.” USCA Order, ECF No. 26 [hereinafter USCA Order]. The court has reviewed Smith’s Response to the Order to Show Cause (“Response”), and the court finds that her notice of appeal was timely filed. *See* USCA Order, Pl.-Appellant’s Resp. to the Order to Show Cause, ECF No. 26-1 [hereinafter Resp.].

Smith was required to file her notice of appeal “with the district clerk within 30 days after entry” of the court’s denial of her Motion for Reconsideration. *See* Fed. R. App. P. 4(a)(1)(A), (a)(4). The court denied her Motion for Reconsideration by minute order on July 27, 2016. *See* Minute Order, July 27, 2016. Accordingly, to be considered timely, Plaintiff had to file her notice of appeal with the District Court’s clerk’s office no later than August 26, 2016.

The court finds Smith timely filed her Notice of Appeal. Smith submitted evidence with her Response showing that she transmitted her Notice of Appeal by U.S. Postal Service Certified Mail to the District Court’s clerk’s office on August 25, 2016. *See* Resp. at 5. The clerk’s office received the Notice of Appeal the following day, August 26, 2016—the 30th day following entry

of the denial of her Motion for Reconsideration. *Id.* The clerk's office's receipt of the Notice of Appeal rendered the Notice of Appeal "filed" for purposes of Rule 4(a) of the Federal Rules of Appellate Procedure, *see Royall v. Nat'l Ass'n of Letter Carriers, AFL-CIO*, 548 F.3d 137, 142 (D.C. Cir. 2008) ("The Supreme Court has long recognized that, with exceptions not relevant here, receipt by the clerk within the required time period satisfies the timely filing requirement for a notice of appeal in a civil case[.]" (citing *Houston v. Lack*, 487 U.S. 266, 273–74 (1988); *Parissi v. Teechron, Inc.*, 349 U.S. 46, 46 (1955))), even though the Notice was not formally entered on the docket until September 1, 2016, Notice of Appeal, ECF No. 24. Accordingly, Smith's Notice of Appeal was timely filed.

Dated: December 23, 2016



Amit P. Mehta
United States District Judge