

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CAPTAIN ROSS E. JOSLYN,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2010-5080

Appeal from the United States Court of Federal
Claims in case no. 08-CV-925, *Chief Judge* Emily C.
Hewitt.

ON MOTION

Before RADER, *Chief Judge*.

ORDER

Captain Ross E. Joslyn moves for a 14-day extension of time, until July 20, 2010, to file his opening brief. Joslyn states that the United States consents.

On June 21, 2010, the day his brief was due, Joslyn moved for an extension of time to file his brief. In that motion, Joslyn stated that he sought a 60-day extension of

time; however, the revised due date that Joslyn requested was July 6, 2010, only 15 days after the existing due date. On June 28, 2010, the court granted Joslyn's motion for an extension of time, until July 6, to file his brief. In the order granting the extension of time, the court indicated that no further extensions would be granted.

When the court states "no further extensions," it means it. These words are not lightly or routinely added to orders. Counsel for Joslyn fails to acknowledge in the current motion that the court indicated that no further extensions would be granted. In addition, the court notes that Joslyn's motion was filed on July 6, the date his brief was due. Because the motion was not filed at least seven days before the date sought to be extended and is not accompanied by an affidavit or declaration describing extraordinary circumstances that prevented him from filing a timely motion, it does not comply with Fed. Cir. R. 26(b). Joslyn's prior extension motion also failed to comply with Rule 26(b). Nevertheless, because it appears that in his prior motion Joslyn attempted to seek a 60-day extension of time, the court grants a short additional extension of time.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. Joslyn's brief is due within 14 days of the date of filing of this order. If the brief is not filed within that time, the appeal will be dismissed. No further extensions of time will be granted.

FOR THE COURT

JUL 28 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael D.J. Eisenberg, Esq.
James P. Connor, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 28 2010

JAN HORBALY
CLERK