

ORDER granting 39 the plaintiff's motion to extend time to file a notice of appeal. Because one of the parties is a United States agency, the plaintiff was required to file his notice of appeal within 60 days after the entry of judgment. Fed. R. App. P. 4(a)(1)(B). Judgment entered on the court's order denying the plaintiff's motion for a preliminary injunction and granting the defendant's motion to dismiss on August 11, 2022. Accordingly, the plaintiff's time to file a notice of appeal lapsed on October 11, 2022. However, the Court may extend the time to file a notice of appeal for good cause or excusable neglect if the motion is made within 30 days of the expiration. Fed. R. App. P. 4(a)(5)(A). The plaintiff filed his motion for an extension of time on October 31, 2022. An excusable neglect standard is appropriate here because the plaintiff's delay was partially caused by his substitution of counsel. *Alexander v. Saul*, 5 F.4th 139, 142 (2d Cir. 2021), cert. denied sub nom. *Alexander v. Kijakazi*, 212 L.Ed. 2d 548, 142 S. Ct. 1461 (2022) ("[t]he excusable neglect standard applies when the need for an extension results from factors within the movant's control.") The Court finds that the plaintiff counsel's neglect was excusable here, because the illness which prevented a timely filing was "so physically and mentally disabling that counsel [was] unable to file the appeal[.]" *Michael Aksman, v. Greenwich Quantitative Research LP*, No. 20-CV-8045, 2021 WL 6551082, at *2 (S.D.N.Y. Dec. 21, 2021). Ordered by Judge Ann M. Donnelly on 11/3/2022. (CG) (Entered: 11/03/2022)