

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued April 27, 2026

Decided August 21, 2026

No. 25-5033

DAVID J. RUDOMETKIN,
APPELLANT

v.

DANIEL DRISCOLL, IN HIS CAPACITY AS SECRETARY OF THE
U.S. ARMY,
APPELLEE

Appeal from the United States District Court
for the District of Columbia
(No. 1:22-cv-01968)

Christina R. Gay, appointed by the court, argued the cause as *amicus curiae* in support of appellant. With her on the briefs were *Alexandra O’Keefe* and *Roman Martinez*.

David J. Rudometkin, pro se, was on the briefs for appellant.

Johnny H. Walker III, Assistant U.S. Attorney, argued the cause for appellee. With him on the brief were *Jeanine Ferris Pirro*, U.S. Attorney, and *Peter C. Pfaffenroth*, Assistant U.S. Attorney.

No. 25-7011

EVANGELISTIC GODSON,
APPELLANT

v.

JOHNS HOPKINS MEDICINE AND PATRICK WALSH, DR.,
APPELLEES

Appeal from the United States District Court
for the District of Columbia
(No. 1:23-cv-03824)

Christina R. Gay, appointed by the court, argued the cause as *amicus curiae* in support of appellant. With her on the briefs were *Alexandra O'Keefe* and *Roman Martinez*.

M. Peggy Chu argued the cause for appellees. With her on the brief was *Derek M. Stikeleather*.

Before: KATSAS, WALKER, and GARCIA, *Circuit Judges*.

Opinion for the Court filed by *Circuit Judge* GARCIA.

Opinion concurring in the judgments filed by *Circuit Judge* KATSAS.

GARCIA, *Circuit Judge*: David J. Rudometkin and Evangelistic Godson, two pro se litigants, each filed an untimely notice of appeal. The question before us is whether those filings should be construed to include a motion to extend or reopen the time to appeal under Federal Rule of Appellate Procedure 4(a)(5) or (6).

We hold that if a pro se notice of appeal can reasonably be read as recognizing that the appeal is late, providing reasons for that lateness, and requesting relief under Rule 4(a)(5) or (6), then it should be construed to include a Rule 4(a)(5) or (6) motion. Rudometkin’s notice of appeal meets that standard, but Godson’s does not. We accordingly order a limited remand in Rudometkin’s case, and we dismiss Godson’s appeal as untimely.¹

I

A

Congress has required that a notice of appeal in a civil case be filed within 30 days after the entry of the judgment or order appealed from, or within 60 days if a party is a United States officer sued in an official capacity. 28 U.S.C. § 2107(a)–(b); *accord* Fed. R. App. P. 4(a)(1)(A)–(B). These time limits are “mandatory and jurisdictional.” *Bowles v. Russell*, 551 U.S. 205, 209 (2007); *accord Kidd v. District of Columbia*, 206 F.3d 35, 38 (D.C. Cir. 2000).

As relevant here, Congress has provided two exceptions to these time limits. First, “[t]he district court may, upon motion filed not later than 30 days after the expiration of the time otherwise set for bringing appeal, *extend* the time for appeal upon a showing of excusable neglect or good cause.” 28 U.S.C. § 2107(c) (emphasis added). Second, “the district court may, upon motion filed within 180 days after entry of the judgment or order or within 14 days after receipt of such notice, whichever is earlier, *reopen* the time for appeal” if the district

¹ Although we “did not formally consolidate the separate appeals,” they were “argued on the same day before the same panel, and we find it convenient to dispose of both appeals with a single opinion.” *Hunt v. United States*, 636 F.2d 580, 583 n.5 (D.C. Cir. 1980).

court finds “that a party entitled to notice of the entry of a judgment or order did not receive such notice from the clerk or any party within 21 days of its entry” and “that no party would be prejudiced.” *Id.* (emphasis added).

Consistent with Congress’s directive, Federal Rule of Appellate Procedure 4(a) sets forth the standards governing motions to extend or reopen the time to appeal. Rule 4(a)(5) provides that “[t]he district court may extend the time to file a notice of appeal” if “a party so moves” within 30 days after the time to appeal expires, and if “that party shows excusable neglect or good cause.” Rule 4(a)(6) provides that “[t]he district court may reopen the time to file an appeal,” but “only if”: (A) “the court finds that the moving party did not receive notice” within 21 days of entry of the judgment; (B) “the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives [proper] notice” of the entry, “whichever is earlier”; and (C) “the court finds that no party would be prejudiced.”

By their plain text, Rule 4(a)(5) and Rule 4(a)(6) “require[] appellants to file a motion” with the district court before relief may be granted. *Kidd*, 206 F.3d at 38.

B

Before us are two pro se litigants who missed their default deadlines to file a notice of appeal.

The first, David J. Rudometkin, sued the Secretary of the Army under the Freedom of Information Act. On December 4, 2024, the district court entered an order denying Rudometkin’s motion for a preliminary injunction. On February 11, 2025—69 days after the district court entered its order—the district court clerk received and docketed a document from Rudometkin titled “Notice of Appeal & Motion to Transfer Appeal to a Related Case Currently in Appeal.”

Rudometkin’s document, reproduced in Appendix A, begins by stating that Rudometkin “hereby appeal[s]” the district court’s December 4, 2024, order. Rudometkin J.A. 13. It then explains that Rudometkin “has not received an order from the Court denying the preliminary injunction” and “only became aware through a third party that an order was entered.” *Id.* “Accordingly,” the filing continues, “in the event this notice of appeal does not reach the court in time, Plaintiff requests an[] extension of time as per Fed. R. App. P. 4(a)(5)(A)(i)(ii) [sic], as this notice of appeal is within 30 days of the sixty day time limit and there is good cause to grant an extension, as per Rule 4(a)(6)(A)—Plaintiff has never received notice of the Court’s order.” *Id.*

The second pro se litigant, Evangelistic Godson, sued The Johns Hopkins Hospital and a doctor, alleging that they mistreated him during a medical appointment.² On December 4, 2024, the district court dismissed Godson’s case without prejudice for lack of personal jurisdiction. On January 10, 2025—37 days after entry of the district court judgment—Godson filed a document titled “Notice of Appeal” in the district court.

Godson’s document, reproduced in Appendix B,³ is titled “Notice of Appeal” and begins with: “Plaintiff now files appeal due to gross miscarriage of justice in the above matter.” Godson J.A. 13. It then accuses the district court of “repeatedly den[ying] plaintiff to express his pos[i]tion throughout the filing of this action.” *Id.* The document states that “plaintiff

² The defendants note that Godson incorrectly named The Johns Hopkins Hospital as “Johns Hopkins Medicine.” Godson Appellees’ Brief i.

³ The document was filed with every letter capitalized and italicized. Throughout this opinion we adjust those features for readability.

should have been awarded summary judgment since defendants never properly answered his complaint”; that the court “denied [his] right to appear before” it; that he had difficulty “contact[ing] the courtroom deputy”; and that he “was only made aware of his dismissal of December 4, 2024 while here in Washington, DC for the day of rememb[ra]nce for President Jimmy Carter.” *Id.* at 13–14. The document also accuses the defendants’ attorney of “refus[ing] to accept service on behalf of [his clients,” and the defendants themselves of having “plaintiff followed on various occasions and even [having] his home watched.” *Id.* It also includes lamentations about President Trump, the racial composition of President Trump’s staff, the Supreme Court, and the “death of democracy.” *Id.* The document, moreover, states that Godson “has suffered in agony as a 100% disabled American veteran and PTSD and [military sexual trauma] survivor” and that he has been “denied adequate [health] care and ha[s] become leery of trusting doctors.” *Id.* at 13.

The district court promptly transmitted both Rudometkin’s and Godson’s filings to this court. In Rudometkin’s case, we ordered Rudometkin to show cause why his appeal should not be dismissed as untimely. In Godson’s case, the defendants moved to dismiss the appeal as untimely. We then appointed Christina R. Gay as *amicus* counsel to present arguments for Rudometkin and Godson, and she ably discharged her responsibilities.

II

Rudometkin and Godson did not file their notices of appeal by the default deadlines. But their notices of appeal are not necessarily time-barred. If their notices also included a “motion” under Rule 4(a)(5) or (6), and if those motions were meritorious, their appeals would be timely. These cases thus present the question whether, and under what circumstances, a

pro se notice of appeal should be construed to include a Rule 4(a)(5) or (6) motion.

We hold that if a pro se notice of appeal can reasonably be read as recognizing that the appeal is late, explaining why, and requesting relief under Rule 4(a)(5) or (6), then it should be construed to include a Rule 4(a)(5) or (6) motion. Rudometkin’s filing satisfies that standard. But Godson’s does not.

A

As a threshold matter, we review de novo a district court’s failure to construe a pro se notice of appeal to include a Rule 4(a)(5) or (6) motion.

Absent an “explicit statutory command,” we “traditionally look to two factors” to decide “whether a district court’s decision should be subject to searching or deferential appellate review.” *McLane Co. v. EEOC*, 581 U.S. 72, 79 (2017). First, “we ask whether the history of appellate practice yields an answer.” *Id.* (quotation marks omitted). Second, “at least” where no “historical tradition exists,” we ask whether, “as a matter of the sound administration of justice, one judicial actor is better positioned than another to decide the issue in question.” *Id.* These factors point toward de novo review here.

To start with appellate practice, in an analogous context, courts of appeals have reviewed de novo whether a district court has properly “construe[d]” a prisoner’s motion for relief from judgment as a successive habeas petition, the latter of which requires “obtain[ing] prefiling authorization from a court of appeals.” *United States v. McRae*, 793 F.3d 392, 397 (4th Cir. 2015); *see also In re Coleman*, 768 F.3d 367, 371 (5th Cir. 2014); *Ward v. Norris*, 577 F.3d 925, 932 (8th Cir. 2009). That inquiry turns on the substance of the motion at hand—whether it “seeks to add a new ground for relief” or “attacks

the federal court’s previous resolution of a claim on the merits.” *Coleman*, 768 F.3d at 371. Here too, the inquiry turns on whether the contents of a filing titled one way—a notice of appeal—warrant construing the filing as something else—a Rule 4(a)(5) or (6) motion.⁴

Moreover, district courts are not much “better positioned” than courts of appeals to determine whether a notice of appeal should be construed to include a Rule 4(a)(5) or (6) motion. *McLane*, 581 U.S. at 79. As explained below, that threshold inquiry—distinct from the question whether relief should be granted—turns on an objective reading of the substance of a filing. *Cf. Smith v. Barry*, 502 U.S. 244, 248 (1992) (“[T]he notice afforded by a document, not the litigant’s motivation in filing it, determines the document’s sufficiency as a notice of appeal.”). It does not involve the kind of “multifarious,” fact-dependent assessment generally reviewed for abuse of discretion. *Highmark Inc. v. Allcare Health Mgmt. Sys., Inc.*, 572 U.S. 559, 563–64 (2014); *see also Pierce v. Underwood*, 487 U.S. 552, 561–62 (1988). Applying de novo review here also promotes “unifo[r]mity” by “providing” the district court and future litigants with a “defined set of rules” for this recurring issue. *Ornelas v. United States*, 517 U.S. 690, 697

⁴ We once stated in passing that the district court “did not abuse its discretion by refusing to view” a “Motion for Leave to File Notice of Appeal *pro se* by Plaintiff” as a motion for relief from a final judgment. *In re Jones*, 670 F.3d 265, 267 (D.C. Cir. 2012) (citing *Hall v. CIA*, 437 F.3d 94, 99 (D.C. Cir. 2006); *Toolasprashad v. BOP*, 286 F.3d 576, 582–83 (D.C. Cir. 2002)). The two cited cases, however, did not prescribe any standard of review governing a district court’s construction of a filing, and their analysis is, if anything, more consistent with a de novo approach. *See Hall*, 437 F.3d at 99 (“[T]he district court properly construed [the filing].”); *Toolasprashad*, 286 F.3d at 582–83 (construing a filing in the first instance when the district court had not done so).

(1996) (quotation marks omitted) (de novo review applies to determinations of reasonable suspicion and probable cause).

B

We now turn to the central question presented: whether, and under what circumstances, a pro se notice of appeal should be construed as both a notice of appeal and a Rule 4(a)(5) or (6) motion.

We begin with two principles that establish what is *not* required for a filing to constitute a “motion.”

First, the filing need not be titled a “motion” or explicitly invoke the relevant rules. That is so because “erroneous nomenclature does not prevent” courts “from recognizing the true nature of a motion.” *Sacks v. Reynolds Sec., Inc.*, 593 F.2d 1234, 1239 (D.C. Cir. 1978). Courts are instead “required to determine” whether the substance of a filing makes it the “functional equivalent” of a particular motion. *Smith*, 502 U.S. at 248. This principle applies especially in pro se cases: Courts regularly “ignore the legal label that a *pro se* litigant attaches to a motion and recharacterize the motion in order to place it within a different legal category.” *Castro v. United States*, 540 U.S. 375, 381 (2003) (collecting cases); *accord Toolasprashad v. BOP*, 286 F.3d 576, 582–83 (D.C. Cir. 2002) (construing a pro se “Motion Requesting an Enlargement of Time to File a Motion and Brief for Reconsideration” as a motion for relief from judgment); *United States v. Gooch*, 842 F.3d 1274, 1278 (D.C. Cir. 2016) (construing a pro se “Request for Extension of Time” as a notice of appeal).

Second, “a single filing can serve multiple purposes.” *Parrish v. United States*, 605 U.S. 376, 387 (2025). For example, a single filing “can serve simultaneously as the principal merits brief and the notice of appeal that would ordinarily precede it.” *Id.* A single filing can also “serve as a

notice of appeal as well as an antecedent request for certificate of appealability.” *Id.* Nothing in the Federal Rules, moreover, requires that Rule 4(a)(5) or (6) motions be filed separately from the notice of appeal.

Together, these principles mean that a litigant can move for Rule 4(a)(5) and (6) relief without explicitly using the word “motion” or citing those provisions. And he can do so in a document labeled—and simultaneously serving—as a notice of appeal.

With what is *not* required out of the way, we turn to what *is* required for a notice of appeal to also constitute a motion to extend or reopen the time to appeal. The closest thing to a definition of a “motion” in the Federal Rules appears in Federal Rule of Civil Procedure 7(b)(1). That Rule states that “[a] request for a court order must be made by motion,” and that “[t]he motion must . . . state with particularity the grounds for seeking the order; and . . . state the relief sought.” More simply, to be a motion, a filing must identify what the filer seeks and the basis for seeking it.

We hold that a *pro se* notice of appeal should be construed as including a Rule 4(a)(5) or (6) motion if it can reasonably be read as recognizing that the appeal is late, providing reasons for that lateness, and requesting extra time to appeal. *See Winters v. Taskila*, 88 F.4th 665, 668, 670 (6th Cir. 2023) (“[A] notice of appeal that adds other information—say, that the appeal is late, that explains what happened, that explains why the appellant could not have filed it earlier—may in some circumstances be construed as a motion for extension or to reopen.”). The principle that *pro se* filings are “to be liberally construed” is central to that inquiry. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)). “Unlike seasoned attorneys, *pro se* [litigants] may be unfamiliar with the details of a given court’s

requirements of form and process.” *Nelson v. SEC*, 138 F.4th 514, 520 (D.C. Cir. 2025). Accordingly, although “*pro se* litigants do not have a license to ignore the Federal Rules,” we have an “obligation to give appropriate leeway” in construing their filings. *Naz v. Wright*, 177 F.4th 1242, 1248 (D.C. Cir. 2026).

Other courts of appeals considering similar questions have adopted a fairly uniform approach that is instructive here. For example, the Sixth Circuit has construed a *pro se* notice of appeal as a motion to reopen the time to appeal when that notice simply stated:

Notice is hereby given that [petitioner] hereby appeals to the United States Court of Appeals for the Sixth Circuit from the final judgment dismissing his habeas corpus petition entered in this action on the 10 day of March, 2021. Petitioner received this judgment via prison legal mail and was signed on or about the 18th of May, 2021.

Winters, 88 F.4th at 668, 671. The Ninth Circuit, similarly, has construed a *pro se* notice of appeal as a motion to reopen the time to appeal when that notice simply stated:

NOTICE IS hereby, given that [the defendant] appeals to the Ninth Circuit Court of Appeals from the district court’s final denial of his 28 U.S.C. § 2255 petition. That judgment was entered in [sic] on July 5, 2005. The defendant received notice on November 4, 2005.

United States v. Withers, 638 F.3d 1055, 1061 (9th Cir. 2011); Notice of Appeal 1, *United States v. Withers*, No. 97-cr-01085 (C.D. Cal.), Dkt. No. 622. And the Fifth, Tenth, and Eleventh Circuits have construed *pro se* notices of appeal as including

Rule 4(a)(5) or (6) motions when the filing “asserted reasons for [the appellant’s] untimely filing,” *Hutchings v. County of Llano*, 34 F.4th 484, 485 (5th Cir. 2022) (per curiam), such as alleging “that [the appellant] did not receive notice of the district court’s order dismissing the case,” *Ogden v. San Juan County*, 32 F.3d 452, 454 (10th Cir. 1994); *Sanders v. United States*, 113 F.3d 184, 187 (11th Cir. 1997) (per curiam).⁵

We agree with the straightforward logic underlying these holdings. Take the recurring fact pattern from *Winters*, *Withers*, and other cases: A pro se litigant files a late notice of appeal that plainly states the date on which he received the judgment or order he seeks to appeal. Construed liberally, the inclusion of that statement in a document labeled a notice of appeal conveys three things: (1) an implicit recognition that the notice is late; (2) an explanation of why it is late; and (3) an implicit request for additional time to appeal. There is ordinarily no reason to state the date on which one received a court order in a notice of appeal *unless* the filer is aware that the notice of appeal is late and is seeking to invoke Rule 4(a)(5)

⁵ Some have suggested that *Poole v. Family Court of New Castle County*, 368 F.3d 263 (3d Cir. 2004), created a “disagreement among circuit courts” on this issue. *Bradac v. Jewell*, 2014 WL 12664800, at *2 (D.D.C. Aug. 20, 2014). That characterization is unwarranted. *Poole* held that Rule 4(a) “expressly require[s]” the “filing of a motion” to “obtain an extension of time,” but it did not address whether or under what circumstances a notice of appeal should be *construed* to include a motion. See *Poole*, 368 F.3d at 267–69. It appears that the latter question was simply not put before the court: The appellant in *Poole* did not argue that the district court should have construed his notice of appeal to include a motion seeking relief under Rule 4(a); he instead argued that the court of appeals should directly “subtract[] from calculation of time for appeal” any “delay[s]” beyond his control. Appellant’s Brief 1–4, *Poole*, 368 F.3d 263 (No. 02-2364), 2003 WL 24193006, at *1–4.

or (6). Indeed, such a filing *explicitly* “state[s] with particularity the grounds for seeking” relief, Fed. R. Civ. P. 7(b)(1)(B)—namely, that the litigant did not timely receive the order he seeks to appeal. *See* Fed. R. App. P. 4(a)(5)(A)(ii) (requiring district court to “find[] excusable neglect or good cause”); Fed. R. App. P. 4(a)(6)(A) (requiring district court to “find[] that the moving party did not receive” proper notice of “the entry of the judgment” within “21 days after entry”).

Our decision in *Ladeairous v. Garland*, 45 F.4th 188 (D.C. Cir. 2022), illustrates one type of filing that will *not* suffice: a bare-bones notice of appeal that simply identifies the judgment or order appealed from. *Id.* at 190–92. The notice in that case stated only: “Notice is hereby given that [the plaintiff] in the above said matter, will appeal to the U.S. Court of Appeals for the District of Columbia for the judgment of this Court filed February 24, 2021.” *Id.* at 190. We held that nothing in that filing could be construed as a motion for relief. *Id.* at 192. It did not allege any facts that could even arguably suggest the filer recognized the appeal was late, much less that he sought to explain why and seek relief from that untimeliness. *Id.*; *accord Winters*, 88 F.4th at 670 (“[A] barebones notice of appeal that is late will not serve by itself as a motion for an extension or a motion to reopen.” (collecting cases)).

C

Assessing Rudometkin’s and Godson’s notices of appeal *de novo*, we hold that Rudometkin’s notice meets the standard we articulate today, but Godson’s does not.

1

Rudometkin’s notice of appeal can reasonably be read as recognizing its lateness, providing reasons for that lateness, and requesting Rule 4(a)(5) and (6) relief. It states that Rudometkin “has never received notice of the [district court’s]

order” and “only became aware through a third party that an order was entered.” Rudometkin J.A. 13. As explained, this allegation implicitly recognizes a timeliness problem, provides a reason for the delay, and, because it is made in a notice of appeal, seeks relief from the problem. In fact, Rudometkin’s notice of appeal presents an easy case because although he was not required to expressly request relief or cite the Federal Rules, he did so, stating that “Plaintiff requests an[] extension of time as per Fed. R. App. P. 4(a)(5)(A)(i)(ii) [sic]” and “Rule 4(a)(6)(A).” *Id.* This eliminates any doubt about the “true nature” of Rudometkin’s filing. *Sacks*, 593 F.2d at 1239.

Accordingly, the district court erred by failing to construe Rudometkin’s notice of appeal to include Rule 4(a)(5) and (6) motions. And that error was not harmless. Most notably, Rudometkin filed his notice of appeal 69 days after the district court entered its order, which was within the time allowed to seek relief under either Rule 4(a)(5) or (6). *See* Fed. R. App. P. 4(a)(5)(A)(i) (party must “move[] no later than 30 days after the time [to appeal] expires”); Fed. R. App. P. 4(a)(1)(B) (60 days to appeal in case involving a federal agency); Fed. R. App. P. 4(a)(6)(B) (party must move “within 180 days after the judgment or order [from which the appeal was taken] is entered” or “within 14 days after the moving party receives notice” of the entry, “whichever is earlier”). Furthermore, his allegation that he “has never received notice of the [district court’s] order,” Rudometkin J.A. 13, both suggests “good cause” for an extension under Rule 4(a)(5)(A)(ii) and bears directly on the threshold condition for reopening under Rule 4(a)(6)(A)—that “the moving party did not receive” proper notice of “the entry of the judgment” within “21 days after entry.” That distinguishes Rudometkin’s appeal from those in which dismissal was warranted when the notice of appeal, however construed, was filed too late to satisfy either Rule 4(a)(5) or (6). *See, e.g.,* Order, *Haapaniemi v. Bondi*, No. 25-

5258 (D.C. Cir. Dec. 19, 2025) (per curiam) (notice of appeal acknowledged timeliness problem but was filed 132 days after entry of district court judgment and did not claim delayed notice of its entry); *accord* Order, *Petrozzi v. Bowser*, No. 25-5470 (D.C. Cir. Apr. 13, 2026) (per curiam) (similar).

Because only the district court may extend or reopen the time to appeal, *see* 28 U.S.C. § 2107(c), we order a limited remand for the district court to rule on Rudometkin’s motions. We express no view on the merits of those motions, including whether Rudometkin has shown “excusable neglect or good cause,” Fed. R. App. P. 4(a)(5)(A)(ii), or whether any “party would be prejudiced,” Fed. R. App. P. 4(a)(6)(C).⁶

⁶ Rudometkin argues in the alternative that we should excuse any timeliness problem under Federal Rule of Appellate Procedure 2(a). But Rule 2(a) permits us to “for . . . good cause . . . suspend any provision of these [Federal Rules of Appellate Procedure] in a particular case . . . except as otherwise provided in Rule 26(b).” And Rule 26(b)(1), in turn, provides that “the court may not extend the time to file . . . a notice of appeal (except as authorized in Rule 4).”

Rudometkin also argues that his notice of appeal was timely under Federal Rule of Appellate Procedure 4(c). Rule 4(c) deems a prisoner’s notice of appeal “timely if it is deposited in the institution’s internal mail system on or before the last day for filing and . . . accompanied by . . . a declaration . . . or a notarized statement setting out the date of deposit and stating that first-class postage is being prepaid[,] or [by] evidence . . . showing that the notice was so deposited and that postage was prepaid.” Rudometkin’s notice of appeal, however, was accompanied by no such declaration, notarized statement, or evidence. And we find no good reason to “exercise[]” our “discretion to permit the later filing of a declaration or notarized statement.” Fed. R. App. P. 4(c)(1)(B).

Godson’s notice of appeal, unlike Rudometkin’s, cannot reasonably be read as acknowledging that his appeal was late, explaining why, and requesting relief under Rule 4(a)(5) or (6).

Godson’s multi-page notice is rife with grievances that obscure any recognition of the appeal’s untimeliness, let alone any request for relief from it. Those grievances take aim at, among other things, the district court judge, the district court clerk, the defendants’ attorney, the defendants, the President, and the Supreme Court.

To be sure, buried among Godson’s grievances is a statement that Godson “was only made aware of” the district court’s judgment “while here in Washington, DC for the day of remembrance for President Jimmy Carter.” Godson J.A. 13. And from that statement, one might piece together that Godson learned of the district court’s judgment sometime after President Carter’s death on December 29, 2024—more than three weeks after the district court entered judgment on December 4. *See* Jimmy Carter, The Carter Center, <https://perma.cc/5QFF-E32B>. From here, one might then conclude that Godson intended to assert grounds for excusing his late appeal. But given the amount of reconstruction necessary to recast that statement as a request for relief and that it is buried in the midst of a filing overwhelmingly directed at criticizing the district court’s conduct throughout the litigation and raising other grievances, Godson’s notice of appeal cannot *reasonably* be read as acknowledging a timeliness problem and seeking relief under Rule 4(a)(5) or (6). *Cf. Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983) (“[C]ourt[s] [should] make *reasonable* allowances to protect *pro se* litigants.” (emphasis added)); *Gooch*, 842 F.3d at 1278 (“[A] request for an extension of time to file an application for a certificate of appealability can serve as the functional equivalent of a notice

of appeal where an intent to appeal can be *reasonably* inferred from the request.” (emphasis added)). Instead, read in context, Godson’s reference to learning of the district court’s judgment while in Washington, D.C. communicates support for his broader allegations about a “miscarriage of justice” and the district court’s “blatant disregard for the law.” Godson J.A. 13, 14.

The district court, accordingly, did not err by failing to construe Godson’s notice of appeal as including a Rule 4(a)(5) or (6) motion. And because there are no other grounds to excuse the untimeliness of Godson’s notice of appeal, we dismiss the appeal for lack of jurisdiction. *See Bowles*, 551 U.S. at 209.

III

The record in Case No. 25-5033 is remanded for the district court to rule on Rudometkin’s pending motions. The appeal will be held in abeyance pending further order of this court and the district court is requested to notify this court promptly upon ruling.

Case No. 25-7011 is dismissed for lack of jurisdiction.

So ordered.

Appendix A: Rudometkin's Notice of Appeal**NOTICE OF APPEAL & MOTION TO TRANSFER
APPEAL TO A RELATED CASE CURRENTLY IN
APPEAL**

Notice is hereby given DAVID J. RUDOMETKIN, *Pro se*, Plaintiff in the above named case, hereby appeal to the United States Court of Appeals for the District of Columbia, an Order of the U.S. District Court for the District of Columbia dated December 4, 2024 denying a motion for preliminary injunction.

Plaintiff has not received an order from the Court denying the preliminary injunction, as per Fed. R. Civ. P. 77(d)(1) “Immediately after entering an order or judgment, the clerk must serve notice of the entry, as provided in Rule 5(b) on each party who is not in default for failing to appear. The clerk must record the service in the docket.” *Id.* Plaintiff only became aware through a third party that an order was entered, and that this case was transferred to Judge Chutkan as the subject matter of this case is related to *Rudometkin v. Department of Defense*, Civ. A. No. 20-2687 (D.D.C.), that is currently on appeal in *Rudometkin v. Department of Defense*, No. 23-5180 (D.C. Cir.).

Accordingly, in the event this notice of appeal does not reach the court in time, Plaintiff requests and extension of time as per Fed. R. App. P. 4(a)(5)(A)(i)(ii), as this notice of appeal is within 30 days of the sixty day time limit and there is good cause to grant an extension, as per Rule 4(a)(6)(A)—Plaintiff has never received notice of the Court's order as per Fed. R. Civ. P. 77(d)(1).

Additionally, because the subject matter of the preliminary injunction is directly related *Rudometkin v. Department of Defense*, Civ. A. No. 20-2687 (D.D.C.) that is currently on

appeal in *Rudometkin v. Department of Defense*, No. 23-5180 (D.C. Cir.), that the D.C. Circuit incorporate this notice of appeal within their ongoing proceedings.

Dated: February 3, 2025

Respectfully Submitted,

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1300 N. Warehouse Road
Fort Leavenworth, KS 66027

RECEIVED

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Appendix B: Godson's Notice of Appeal

NOTICE OF APPEAL

PLAINTIFF NOW FILES APPEAL DUE TO GROSS MISCARRAIGE OF JUSTICE IN THE ABOVE MATTER. JUDGE MOSS REPEATEDLY DENIED PLAINTIFF TO EXPRESS HIS POSTION THROUGHOUT THE FILING OF THIS ACTION. FURTHERMORE, PLAINTIFF WAS ONLY MADE AWARE OF HIS DISMISSAL OF DECEMBER 4, 2024 WHILE HERE IN WASHINGTON, DC FOR THE DAY OF REMEMBERANCE FOR PRESIDENT JIMMY CARTER. PLAINTIFF BROTHER AND PRESIDENT CARTER BOTH PASSED AWAY ON DECEMBER 29TH 2024. PLAINTIFF WAS ADVISED TO CONTACT THIS COURTROOM DEPUTY ON YESTERDAY AND HER MESSAGE STATED THAT SHE SPENDS MOST OF HER DAY IN COURT SO TO EMAIL HER. I EMAILED HER AND GOT A RESPONSE OF WHAT DID I EXPECT FROM HER? GOING ON RECORD THAT OUR HEAVENLY FATHER KNEW AHEAD OF TIME OF WHAT WOULD TRANSPIRE DURING THE HOLIDAYS AND THUS PREVENTED ME FOR RECEIVING THJS HORRIFIC ACTION FROM THE COURT. PLAINTIFF HAS FOLLOWED ALL THE REQUIREMENTS OF THE COURT AND DESPITE HAVING TO HIRE A PROCESS SERVER TO "PROPERLY" SERVE THE DEFENDANTS, THE JUDGE STILL SIDED WITH ATTORNEY WHO REFUSED TO ACCEPT SERVICE ON BEHALF OF THIS CLIENTS, IFEANYI EZEIGBO, WHOM PLAINTIFF REPORTED TO MARYLAND BAR ASSOCIATION AND PROVIDED EVIDENCE UNDER SEAL TO JUDGE MOSS. PLAINTIFF HAS ONGOING COMPLICATIONS FROM PERSONAL ASSAULT BY DR WALSH AND BY HIM BEING A PILLAR IN THE UROLOGY FIELD, COMPOSED MOSTLY OF WHITE MEN, PLAINTIFF HAS BEEEN DENIED ADEQUATE CARE AND HAVE BECOME LEERY OF TRUSTING DOCTORS

WHO MOSTLY LOOK LIKE DEFENDANT WITH HIS UROLOGY CARE. PLAINTIFF HAS HAD TO CHANGE DOCTORS ON MULTIPLE OCCASSIONS AND ONLY CAN RELY ON HIS HEAVENLY FATHER TO CONTINUE TO ENDURE THE LASTING EFFECTS OF THIS ATTACK YEARS AGO. WITH THE DEATH OF DEMOCRACY LOOMING AND A CONVICTED FELON POISED TO TAKE THE WHITE HOUSE ON THE REV. DR MARTIN LUTHER KING JR HOLIDAY, PLAINTIFF HAS SUFFERED IN AGONY AS A 100% DISABLED AMERICAN VETERAN AND PTSD AND MST SURVIOR. THE SUPREME COURT HAS SIDED WITH DONALD TRUMP AND TAKEN OFFESE AGAINST LAWYERS WHO BROUGHT HIS ILLEGAL ACTIVITIES TO THE NATION, I.E. DISTRICT ATTORNEYS IN ATLANTA GA AND NEW YORK CITY, BOTH AFRICAN AMERICANS.

PLAINTIFF ALTHOUGH HAVING LIMITED RESOURCES CANNOT ALLOW JUDGE MOSS TO CONTINUE TO DISPLAY HIS BLATANT DISREGARD FOR THE LAW. PLAINTIFF SHOULD HAVE BEEN AWARDED SUMMARY JUDGEMENT SINCE DEFENDANTS NEVER PROPERLY ANSWERED HIS COMPLAINT. DEFENDANTS WAS ALSO GRANTED UNCONDITIONAL LEEWAY TO CIRCUMVENT THE SYSTEM UNDER JUDGE MOSS AND HE EVEN OR CLERK'S OFFICE POSTED INITIAL COMPLAINT DETAILING DEFENDANT'S ASSAULT ON THE PACER SYSTEM. DEFENDANT'S HAVE HAD PLAINTIFF FOLLOWED ON VARIOUS OCCASSIONS AND EVEN HAD HIS HOME WATCHED. PLAINTIFF HAD TO RELOCATED AND INSTALL A STATE OF ART SECURITY SYSTEM JUST TO HAVE PEACE. PLAINTIFF NOW FINDS HIMSELF LOOKING FOR A DOCTOR HE CAN TRUST IN THE UROLOGY FIELD AND IS EXPLORING THE POSSILITY OF RELOCATING IN 2025 DUE TO THE VICE PRESIDENT OF

THE UNITED STATES BEING DEFEATED BY A CONVICTED FELON FOR THE HIGHEST OFFICE IN THE UNITED STATES. OUR PRESIDENT ELECT HAS ALIGNED HIMSELF WITH A 99% PERCENT ALL WHITE STAFF OF PEOPLE WHO OPPOSE CIVIL RIGHTS, INSULT AFRICAN AMERICANS AND OTHER MINORITIES AS WELL AS ON COURSE TO MAKE AMERICA THE LAUGHING STOCK OF THE WORLD. PLAINTIFF DUE TO HIS AGE 66 IS TOTALLY UNCOMFORTABLE WITH THE CHOICES WHEN IT COMES TO SELECTING A UROLOGIST SINCE AFRICAN AMERICAN MEN ONLY COMPRISE A VERY SMALL PERCENTAGE OF PROVIDERS. PLAINTIFF PRAYS COURT WILL REVERSE THIS MISCARRIAGE OF JUSTICE AND GRANT PLAINTIFF SUMMARY JUDGEMENT. PLAINTIFF ALSO WAS DENIED THE RIGHT TO APPEAR BEFORE THE COURT. THIS IS EQUIVALENT TO THE UNITED STATES DENYING THE FREED SLAVES THEIR FORTY ACRES AND A MULE WHICH TODAY PUTS SENIOR AFRICAN AMERICANS LIKE PLAINTIFF AS RISK DUE TO THE LOSS OF ECONOMIC ASSETS, AFRICAN AMERICAN NEIGHBORHOODS ARE BEING TRAUMATIZED BY WAYWARD YOUTHS WHO HAVEN'T BEEN TAUGHT TO RESPECT THEIR SENIOR COMMUNITIES. IN THIS SOCIETY THIS IS TRUE TO WHITE AND OTHER COMMUNITIES, I.E. THE KILLING OF THE HEALTHCARE CEO BY A WEALTHY WHITE MALE. PRAYING THIS COURT DOESN'T ALLOW DEMOCRACY TO BE ERADICATED!

1/10/2025

EVANGELISTIC CHAPLAIN UNI'QUE GODSON

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PLAINTIFF IS ASKING ALL MAILING TO BE TRACKED
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KATSAS, *Circuit Judge*, concurring in the judgments: I agree with the majority’s disposition of these cases. Federal Rules of Appellate Procedure 4(a)(5) and 4(a)(6) condition a district court’s authority to extend or reopen the time to appeal a civil judgment upon the filing of a “motion.” In the context of legal procedure, the ordinary meaning of the term *motion* is a “written or oral application requesting a court to make a specified ruling or order.” *Motion*, Black’s Law Dictionary (12th ed. 2024). So, to be eligible for relief under Rules 4(a)(5) or (6), a would-be appellant must ask the district court to extend or reopen the filing deadline. Rudometkin clearly did that, and Godson clearly did not.

I also agree with much of the majority’s reasoning and with its general statement of the governing legal standard. Specifically, a notice of appeal can qualify as a Rule 4(a)(5) or (6) “motion” if it can reasonably be read as recognizing that the appeal is late, providing reasons for the lateness, and requesting relief from the deadline. *Ante* at 10–11. However, I doubt this standard is met simply because a notice of appeal states the date on which the would-be appellant received the order that he seeks to appeal. *Id.* at 11–13 (endorsing *Winters v. Taskila*, 88 F.4th 665 (6th Cir. 2023), and *United States v. Withers*, 638 F.3d 1055 (9th Cir. 2011)). Of course, such a statement may support a request for relief. But in my view, it cannot reasonably be understood as *itself* requesting relief, for merely listing out a date does not ask anyone to do anything.

The majority leans heavily on the proposition that *pro se* filings should be liberally construed. *Ante* at 10–11. While that is true up to a point, it is equally true that “*pro se* litigants do not have a ‘license’ to ‘ignore the Federal Rules.’” *Oviedo v. WMATA*, 948 F.3d 386, 397 (D.C. Cir. 2020) (quoting *Moore v. USAID*, 994 F.3d 874, 876 (D.C. Cir. 1993)). Here, Rule 4 requires litigants to file a “motion” to become eligible for an extended or reopened deadline, not simply to make factual assertions that might support such a motion.