



United States District Court
Southern District of New York

Frequently Asked Questions: DEADLINES

These questions are intended to address common questions that arise regarding deadlines in the life of a case. The statements in this guide do not constitute legal advice and may not be cited as legal authority. This document does not take the place of the Federal Rules of Civil Procedure, this court's Local Civil Rules, or the individual rules of practice and orders of the judges of this court. Parties consulting this document remain responsible for complying with all applicable rules of procedure.

What deadlines will I have in my case and how will I find out about them?

You will encounter various deadlines as your case proceeds. You may be asked to provide information by the court within a certain time frame laid out in an order, or you may choose to pursue certain options that have deadlines provided in the [Federal Rules of Civil Procedure](#) and the [Federal Rules of Appellate Procedure](#). Some of the most common deadlines you will encounter are:

- Payment of the filing fees or filing an IFP application: where a case is filed without the payment of the fees or an IFP application, generally an order will be issued giving 30 days to pay the fees or file an IFP application.
- Amending the Complaint:
 - If the Court grants the opportunity to file an amended complaint, the timeframe to do so will be provided in an "Order to Amend" or a "Dismissal with Leave to Replead," and is generally 30 or 60 days.
 - Under Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, you can amend your complaint one time within 21 days after serving the complaint on the defendant. Under Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, if you have not already amended your complaint, you may amend your complaint one time within 21 days after you have been served with a copy of an answer or a Rule 12(b), (e), or (f) motion to dismiss, whichever is earlier. You do not need permission from the presiding judge or from the

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defendant to amend the complaint once under either Rule 15(a)(1)(A) or 15(a)(1)(B).

- Motion to Alter or Amend the Judgment: if you want to file a motion to alter or amend a judgment, this must be done within 28 days of the date the judgment was entered on the docket. *See* Fed. R. Civ. P. 59(e).
- Motion for Relief from a Judgment or Order: If you want to file a motion for relief from a judgment, consult Fed. R. Civ. P. 60. The time for filing such a motion is explained in Rule 60(c). Depending on the grounds of your 60(b) motion, the time to file is within one year OR within a reasonable time. *See* Fed. R. Civ. P. 60(b).
- Appeal: If you decide to appeal the outcome of your civil case to the Second Circuit, you must file a Notice of Appeal within 30 days after entry of the judgment or order appealed from (or 60 days if the case includes a federal defendant). *See* Federal Rule of Appellate Procedure 4(a)(1).
- Motions and an Appeal: If you want to file both a motion to alter/amend judgment or a motion for reconsideration AND an appeal, consult Fed. R. App. P. 4(a)(4).
- Motion for an extension of time to file a notice of appeal: If you believe your notice of appeal is untimely, you can ask for an extension. The deadlines for filing an appeal are listed in Fed. R. App. P. 4(a)(1) and the deadlines for filing a motion for an extension of time to file the notice of appeal are listed in Fed. R. App. P. 4(a)(5).

How is the time calculated?

Rule 6 of the Federal Rules of Civil Procedure outlines the way that time is computed for the purposes of deadlines. The day of the event is excluded from the period (for example, if the order giving 30 days to respond is dated June 1, the first day of the 30-day period will be June 2). In addition, each day counts, including Saturdays, Sundays, and holidays; if the last day of the period is a Saturday, Sunday, or a legal holiday, as defined in Fed. R. Civ. P. 6(a)(6), the last day will be the next day that is not a weekend or holiday.



What happens if I miss a deadline?

The consequence for missing a deadline will likely depend on the presiding judge, but one consequence may be dismissal of your case. It is therefore very important to always communicate with the presiding judge if you cannot make a deadline before the deadline expires. But if the Federal Rules of Civil Procedure govern a deadline, a court may not be able to extend the time.