



# ASKING THE COURT FOR AN EXTENSION OF TIME

A Guide to Filing a Request in Federal Court



Publication by Jean Soo Park, Esq. and Jeffrey Núñez

September 2022

If you have a civil case in federal court and have a deadline to file your document (e.g. opposition to a motion, status conference, amended complaint), you can ask the court for an extension of time. The following guide will provide you with basic steps you need to follow.

## Overview

- Generally, for extension requests, most judges require both parties to “confer” (communicate with one another) and try to obtain the other party's consent for extra time. If the other party does not give their consent, you can still move forward with filing your request.
- Keep in mind that you should submit your request for an extension at least 48 hours before the scheduled deadline. While there is no guarantee that the court will grant your extension it is worth trying.
- Your request via email and/or letter will need to include the original filing dates, new proposed filing dates, the number of previous requests (if any), and whether the other party consents to the extension.
- Email a copy of the letter you file to the other party (usually it's an attorney).

You may contact the City Bar Justice Center's Federal Pro Se Legal Assistance Project for questions or to see if you qualify for legal assistance:

Phone: 212-382-4729

For a faster response, please fill out our [online intake form](#).

*This communication is for the general education and knowledge for pro se civil litigants in the Eastern District of New York. Because all legal problems involve their own specific set of facts, this informational resource is not and should not be used as a substitute for independent legal advice. This informational resource also is not intended to create, and its receipt does not constitute, an attorney-client relationship. Please contact competent, independent legal counsel for an assessment of your particular legal concerns.*



# Request an Extension

## Step 1: Review Individual Motion Practices and Rules

Go to the court's website to look over your judge's individual motion practices and rules which you will need to follow. Follow the steps below:

- Visit the court website at <https://www.nyed.uscourts.gov/>
- Under "Our Judges", select "Judges' Info"



- On the left side, scroll down to find and click on your judge
- Click on the file under "Motions" titled "Individual Motion Practices and Rules"



## Request an Extension

### Step 2: Contact the Other Party for Consent

- You will need to contact the other party (usually an attorney) about whether they consent or object to your request for an extension of time. This example can also be applied to Social Security cases.
- Prepare an e-mail to the attorney that includes:
  - The original filing dates
  - The new proposed filing dates
  - The reason for your request
- Ask for a reasonable extension by:
  - Providing a fair reason as to why you need an extension
  - A reasonable amount of extra time (30 or 45 days, but no more than 60 days)
- Even if the other party does not consent, you can still request an extension to the Court (see the next slide)

Dear [name of attorney for the other party, SSA attorney, or individual if they are proceeding pro se],

I hope you are doing well.

I am aware that my [name of document] is due on [due date]. This is my [\_first][\_second][\_other] request. I will need some extra time to complete my submission (you can include a reason, e.g., you had a family emergency and you were responsible for taking care of it; you fell ill for a period of time, etc.).

For these reasons, would you please be willing to consent to an extension?

The original filing dates for all parties are:  
[list them here]

The proposed revised filing dates would be:  
[new deadline(s) you request: \_\_\_\_]

Thank you. I look forward to hearing from you.

Sincerely,  
[Name]

This is a template  
email you may use

## Request an Extension

### Step 3: Send a Letter (Motion) to the Court

- After you hear back from the other party (regardless of whether they consent or disagree), write a letter (also referred to as a "motion") to the Court.
- You may use the template provided (on the right) which you can fill in. Be sure to include your case number, proposed dates, and an explanation for your request.
- Indicate whether the other party objected or consented to the request. If they objected to the request and provided a reason, include it.
- When you are finished, file this letter, email/send a copy to the other party (usually an attorney), and wait for the judge to make a ruling on your motion.

[Date]

Hon. \_\_\_\_\_  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Case name*, -cv- ( ) ( )

Dear Judge :

I am the *pro se* Plaintiff/Defendant in the above-captioned case. I write to respectfully request an extension of time from [original due date: \_\_\_\_\_] to [new deadline you request: \_\_\_\_\_] to file my [name of document]\_\_\_\_\_.

This is my [\_\_first] [\_\_second] [\_\_ other] such request for an extension. I [\_\_ have conferred with opposing counsel] [\_\_ have not conferred with opposing counsel] about this request for an extension.  
Opposing counsel [\_\_ does not object] [\_\_ objects] [\_\_ did not respond]. [you can state your reasons for the extension request here].

[Include the original dates for all parties' submissions, and the proposed dates here.]

I thank the Court in advance for its consideration.

Respectfully submitted,

\_\_\_\_\_  
Name, *Pro se* [\_\_ Plaintiff] [\_\_ Defendant]  
cc: \_\_\_\_\_  
Name of opposing counsel and email address or mailing address

*This is a template  
letter you may use*