

A business owner sued a federal agency in federal district court, claiming that the agency's recent regulation requiring businesses to report the race and gender of all employees was unconstitutional. The business owner sought a permanent injunction to prevent the agency from enforcing the regulation. At the end of a bench trial, the district court entered a final judgment in favor of the business owner, granting a permanent injunction. Forty-five days later, the federal agency filed a notice of appeal with the clerk of the district court.

How is the federal appellate court likely to proceed?

- A. The appellate court will hear the merits of the appeal, because a notice of appeal may be filed within 60 days of the entry of final judgment when a federal agency is a party to the suit.
- B. The appellate court will hear the merits of the appeal, because the district court's grant of an injunction is appealable under the interlocutory-appeals statute.
- C. The appellate court will refuse to hear the merits of the appeal and will dismiss it, because a notice of appeal of an injunction must be filed within 10 days of the entry of final judgment.
- D. The appellate court will refuse to hear the merits of the appeal and will dismiss it, because the federal agency did not file the notice of appeal with the clerk of the appellate court.

Explanation:

A party may challenge an adverse federal district court ruling, finding, or conclusion by appealing to the [federal appellate court](#) encompassing that district. The party must generally file a **notice of appeal** with the district court clerk **within 30 days** after the entry of final judgment. However, the time to file a notice of appeal is **extended to 60 days** if one of the **parties is** (1) the **United States**, (2) a **federal agency**, or (3) a **federal officer or employee** sued for conduct that relates to government duties.

Here, a federal agency is a party to the suit, so the time to file a notice of appeal is extended to 60 days. This means that the federal agency timely filed its notice of appeal with the clerk of the district court 45 days after final judgment was entered. Therefore, the appellate court will hear the merits of the appeal.

(Choices B & C) An appeal is typically allowed only after a final judgment. However, the interlocutory-appeals statute provides certain exceptions to this [final-judgment rule](#)—one of which permits the immediate appeal of a preliminary injunction if the application is made within 10 days of the trial court's ruling. But this statute is inapplicable here because this *permanent* injunction constitutes a final judgment—not a temporary ruling.

(Choice D) A notice of appeal must be filed with the clerk of the district court—not the appellate court.

Educational objective:

The time to file a notice of appeal with the district court clerk is extended to 60 days after the entry of final judgment if one of the parties is the United States, a federal agency, or a federal officer or employee sued for conduct related to government duties.

References

- 28 U.S.C. § 2107 (timing of appeal).
- Fed. R. App. P. 4 (notice of appeal).

Deadline to file a notice of appeal

