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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Sheldon McIntosh,

No. CV11-0702-PHX-DGC

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10 Petitioner,

ORDER

11 vs.

12 Shelton Richardson, et. al.,

13 Respondents.

14 The Ninth Circuit has construed Petitioner's notice of appeal as a motion to reopen
15 the time for appeal under Federal Rule of Appellate Procedure 4(a)(6), and has remanded
16 the matter to this Court for the limited purpose of ruling on Petitioner's motion. The
17 Court will **grant** the motion.

18 The Court's order accepting Magistrate Judge Aspey's Report and
19 Recommendation (Doc. 16), and its accompanying judgment (Doc. 17), were mailed to
20 Petitioner on November 15, 2011. The documents were returned to the Court as
21 undeliverable on December 1, 2011. Doc. 18. On December 12, 2011, Petitioner filed a
22 notice of change of address stating that he had been moved from a facility in
23 Leavenworth, Kansas, to a facility in Washington, Missouri. Doc. 19. Although the
24 notice was received on December 12, 2011, it was mailed by Petitioner on November 23,
25 2011. Doc. 19 at 2. Thus, it appears likely that Petitioner was no longer housed at the
26 Leavenworth facility when the Court's Order and Judgment arrived, explaining why they
27 were returned to this Court as undelivered.

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