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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Dean Benally,

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No. CV-11-8203-PCT-FJM

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Petitioner,

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ORDER

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vs.

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Charles L. Ryan,

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Respondent.

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We have before us petitioner’s motion for extension of time to appeal (doc. 26). On November 15, 2012, we filed an order dismissing with prejudice petitioner’s petition for writ of habeas corpus and denying a certificate of appealability (doc. 20). Pursuant to Rule 11(b), Rules Governing Section 2254 Cases, and Rule 4(a), Fed. R. App. P., petitioner had 30 days from the date our order was filed to file a notice of appeal. Therefore, petitioner’s notice of appeal was due on or before December 15, 2012. Petitioner did not file a notice of appeal until January 3, 2013 (doc. 23). He now asks us to extend the time for filing a notice of appeal, asserting that he was transferred to another unit on November 24, 2012, and he did not receive notice of our order until December 20, 2012.

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Under Rule 4(a)(5)(A), Fed. R. App. P., we may extend the time to appeal if the party moves for an extension no later than 30 days after the prescribed time to appeal expires, and shows excusable neglect or good cause. Petitioner has satisfied this standard.

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Therefore, **IT IS ORDERED GRANTING** the motion to extend the time to appeal (doc. 26).

DATED this 8th day of January, 2013.

Frederick J. Martone

Frederick J. Martone
United States District Judge