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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFF S. HARNDEN,

1:02-cv-06529-LJO-GSA-PC

Plaintiff,

vs.

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO FILE AN APPEAL

D. KEY, R. VOGEL, and J. A. KEENER,

(Doc. 243.)

Defendants.

_____ /

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On December 15, 2008, this action proceeded to jury trial and on December 18, 2008, the jury returned a verdict in defendants' favor and judgment was entered by the Court. On December 31, 2008, plaintiff filed a motion for an extension of time file an appeal.

A notice of appeal must be filed by the district clerk within 30 days after the judgment or order appealed from is entered. See FRAP 4(a)(1)(A). However, the district court may extend time to file a notice of appeal if a party moves no later than 30 days after the time for filing a notice of appeal expires, and the party shows excusable neglect or good cause. See FRAP 4(a)(5)(A). Plaintiff filed his motion for extension of time on December 31, 2008, which is fewer than 30 days after the expiration time for filing his appeal. In his motion to extend time, plaintiff shows good cause for the extension, requesting additional time to await a

