

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAMUEL DEREK JACKSON,)	1:07-cv-01334 AWI WMW (HC)
)	
Petitioner,)	
)	ORDER GRANTING PETITIONER'S
v.)	MOTION FOR EXTENSION OF TIME
)	
JAMES E. TILTON,)	[Doc. #24]
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 20, 2009 this Court entered an order dismissing the petition. On February 12, 2009, Petitioner filed a motion for Extension of Time to Properly Research Procedures and Prepare both an application for certificate of appealability and a Notice of Appeal.

Pursuant to Rule 4 of the Federal Rules of Appellate Procedure, a party must file a Notice of Appeal within thirty (30) days after the judgment or order appealed from is entered. Fed.R.App.P. 4(a). The district court may extend the time for filing a notice of appeal if a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; *and* regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party

1 shows excusable neglect or good cause. Fed.R.App.P 4(a)(5)(i), (ii). Petitioner filed his motion for
2 an extension of time within thirty days of the date that the judgement was entered; therefore, good
3 cause having been presented to the Court and GOOD CAUSE APPEARING, Petitioner is
4 GRANTED thirty (30) days from the date of service of this order in which to file a notice of appeal.
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8 IT IS SO ORDERED.

9 **Dated: February 17, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE

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