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10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 SAMUEL DEREK JACKSON, ) 1:07-cv-01334 AWI WMW (HC)  
13 Petitioner, )  
14 v. ) ORDER GRANTING PETITIONER'S  
15 JAMES E. TILTON, ) MOTION FOR EXTENSION OF TIME  
16 Respondent. ) [Doc. #24]  
17

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

23 Pursuant to Rule 4 of the Federal Rules of Appellate Procedure, a party must file a Notice of  
24 Appeal within thirty (30) days after the judgment or order appealed from is entered. Fed.R.App.P.  
25 4(a). The district court may extend the time for filing a notice of appeal if a party so moves no later  
26 than 30 days after the time prescribed by this Rule 4(a) expires; and regardless of whether its motion  
27 is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party  
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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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