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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY DEAN SLAMA,
Plaintiff,

v.

CITY OF MADERA, et al.,
Defendants.

Case No. 1:08-cv-00810-SKO

**ORDER GRANTING NUNC PRO TUNC
PLAINTIFF'S MOTION FOR AN
EXTENSION OF TIME TO FILE AN
APPEAL**

(Docket No. 220)

Plaintiff Anthony Dean Slama ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 17, 2007, and the case was removed to federal court on June 9, 2008. (Doc. 1.) On September 5, 2013, after a three-day jury trial, judgment was entered in favor of Defendants Shant Sheklanian and Josh Chavez (collectively "Defendants") and against Plaintiff based on the jury's verdict. (Docs. 217-19.)

In a motion filed on September 25, 2013, Plaintiff requested an extension of time to file a notice of appeal, along with requesting other relief. (Doc. 220.) In its September 30, 2013, order, the Court ruled on Plaintiff's requests for other relief but inadvertently failed to address the request for an extension of time to file a notice of appeal. (Doc. 222.)

1 A notice of appeal must be filed within thirty days from the date of entry of judgment.
2 Fed. R. App. P. 4(a)(1). The Court may grant an extension of time to file an appeal if the motion
3 seeking the extension is filed no later than thirty days after the thirty-day period in Rule 4(a)(1)
4 expires. Fed. R. App. P. 4(a)(5)(i).

5 Plaintiff's motion requesting an extension of time to file an appeal was timely, and the
6 Court finds good cause to grant it. Fed. R. App. P. 4(a)(5)(A)(ii). Accordingly, Plaintiff's request
7 for an extension of time to file an appeal is GRANTED nunc pro tunc as of September 30, 2013,
8 the date of the Court's order addressing the other requests for relief in Plaintiff's motion. (Doc.
9 222.)

10 Pursuant to Rule 4(a)(5)(C), Plaintiff's notice of appeal was required to be filed on or
11 before November 6, 2013. As such, Plaintiff's notice of appeal, filed on October 30, 2013, is
12 timely.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's request for an extension of time to file an appeal (Doc. 220) is
15 GRANTED nunc pro tunc as of September 30, 2013;
- 16 2. Plaintiff's notice of appeal (Doc. 224), filed on October 30, 2013, is deemed timely;
17 and
- 18 3. The Clerk of the Court shall serve a copy of this order on Plaintiff and the United
19 States Court of Appeals for the Ninth Circuit.

20
21 IT IS SO ORDERED.

22 Dated: November 5, 2013

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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