

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

HELDA WILSON,

Plaintiff,

v.

R. PERKINSON, et al.,

Defendants.

CASE NO. 1:10-CV-01086-DLB PC

ORDER GRANTING PLAINTIFF  
EXTENSION OF TIME TO FILE NOTICE OF  
APPEAL

(DOC. 7)

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Plaintiff Helda Wilson (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation, proceeding pro se. On August 24, 2010, the Court dismissed Plaintiff’s action without prejudice for failure to pay the filing fee or file an application to proceed in forma pauperis. Doc. 5. On October 8, 2010, Plaintiff filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit.

On December 8, 2010, the Ninth Circuit remanded the notice of appeal to this Court for the limited purpose of adjudicating Plaintiff’s October 8, 2010 motion. Doc. 11. In Plaintiff’s notice of appeal, Plaintiff contends that he was on lockdown from September 6, 2010 to September 29, 2010, and did not have any access to the law library. The Ninth Circuit construed this as a motion for extension of time pursuant to Federal Rule of Appellate Procedure 4(a)(5).

The Court finds good cause to grant Plaintiff an extension of time to appeal. Accordingly, Plaintiff’s motion, filed October 8, 2010, is GRANTED. Plaintiff is granted an additional twenty-three (23) days. As Plaintiff’s notice was filed on October 8, 2010, Plaintiff’s appeal is timely.

IT IS SO ORDERED.

**Dated: December 10, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE