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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIA ANTONIA FRANCO,
Petitioner,
v.
JANEL ESPINOZA, Warden,
Respondent.

No. 1:18-cv-00057-DAD-SKO (HC)

**ORDER CONSTRUING MOTION FOR
RELIEF AS MOTION FOR EXTENSION
OF TIME**
[Doc. 30]

**ORDER GRANTING PETITIONER
EXTENSION OF TIME TO FILE
OBJECTIONS**

[THIRTY DAY DEADLINE]

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. She is represented in this action by Marc Eric Norton, Esq.

On June 6, 2019, the Court issued Findings and Recommendations to deny the petition with prejudice. (Doc. 29.) The parties were granted thirty days to file objections. Neither party filed objections within the allotted time; however, on August 26, 2019, Petitioner filed a motion for relief pursuant to Fed. R. Civ. Proc. § 60(b). (Doc. 30.) Respondent did not file an opposition.

DISCUSSION

Federal Rule of Civil Procedure 60(b) governs the reconsideration of final orders of the district court. In this case, a final order has not been entered. Therefore, the Court will construe the motion for relief from judgment as a motion for extension of time.

1 In his motion, Counsel for Petitioner states that, for an unknown reason, he did not receive
2 a copy of the Findings and Recommendations. Counsel states that he was unable to locate a copy
3 of the Findings and Recommendations in any of his email folders; therefore, he believes he did
4 not receive the transmission. A review of the Court's docket shows that a copy of the Findings
5 and Recommendations was transmitted on June 6, 2019, to Counsel's two email accounts of
6 record. It is therefore unknown why Counsel did not receive the email. In light of the foregoing,
7 the Court finds good cause to grant an extension of time to file objections.

8 **ORDER**

9 Accordingly, it is HEREBY ORDERED that Petitioner's motion for relief from judgment
10 (Doc. 30) is CONSTRUED as a motion for extension of time, and Petitioner is GRANTED an
11 extension of time of thirty days from the date of service of this order to file objections. Further,
12 Respondent MAY FILE a reply to objections within ten after the date the objections are filed.

13
14 IT IS SO ORDERED.

15 Dated: October 21, 2019

/s/ Sheila K. Oberto
16 UNITED STATES MAGISTRATE JUDGE