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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMANUEL MARTIN,
SANCHEZ-GONZALEZ,

Petitioner,

No. 2:11-cv-0637 KJM KJN P

vs.

MICHAEL McDONALD, Warden,

Respondent.

ORDER

_____/

On April 6, 2012, petitioner filed a request for extension of time to file a notice of appeal. On April 9, 2012, petitioner filed a notice of appeal.

In this action, judgment was entered on February 2, 2012. A notice of appeal must be filed within thirty days after entry of judgment. Rule 4(a)(1), Rules of Appellate Procedure. However, the district court may extend the time to file 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 “shows excusable neglect or good cause.” Rule 4(a)(5)(A).

Here, the deadline to file an appeal expired on March 30, 2012. Petitioner’s request for extension was filed seven days later, on April 6, 2012, and therefore falls within the additional thirty day period provided under Rule 4(a)(5)(A)(i). In addition, petitioner

1 demonstrated excusable neglect or good cause as required by Rule 4(a)(5)(A)(ii). Accordingly,
2 petitioner's request to extend the deadline to appeal is granted, and the Clerk of Court is directed
3 to process petitioner's appeal.

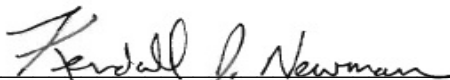
4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's April 6, 2012 request for extension of time in which to file a notice
6 of appeal (dkt. no. 21) is granted;

7 2. Petitioner's April 9, 2012 appeal is deemed timely filed; and

8 3. The Clerk of Court is directed to process petitioner's appeal.

9 DATED: April 23, 2012

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE

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