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

CHOKCHAI KRONGKIET,

Petitioner,

No. 2:11-cv-2354 GEB CKD P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

On March 11, 2013, petitioner filed a document that the Ninth Circuit Court of Appeals has construed as a request for an extension of time to file a notice of appeal. Rule 4 of the Federal Rules of Appellate Procedure provides that, in a civil case such as this, a notice of appeal must be filed with the district court clerk within 30 days after entry of judgment or the order appealed from. FRAP Rule 4(a)(1)(A). In this case, judgment was filed on January 16, 2013. (Dkt. No. 33.)

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 Rule 4(a) expires and shows excusable neglect or good cause. FRAP Rule 4(a)(5)(A). Because petitioner moved for an extension of time within sixty days of the entry of judgment in this matter, and has shown good cause for filing late, the court will grant his request for an extension of time to file a notice of appeal.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Petitioner's request for an extension of time to file a notice of appeal (ECF No. 34) is
3 granted; and
4 2. The notice of appeal filed March 11, 2013 is deemed timely.

5 Dated: July 1, 2013

6 
7 CAROLYN K. DELANEY
8 UNITED STATES MAGISTRATE JUDGE

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