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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROY LEE HOUSTON,

 Petitioner,

 v.

F. FOULK,

 Respondent.

No. 2:13-cv-2306 JAM GGH P

ORDER

Petitioner has requested an extension of time to file a motion for certificate of appealability. Petitioner is advised that this court previously determined that a certificate of appealability shall not be issued. Order, filed September 2, 2014. Therefore, the request will be denied as moot. Petitioner is advised to seek a certificate of appealability with the Ninth Circuit Court of Appeals after he has filed a notice of appeal, which has not been filed, according to this court’s docket.¹

To the extent petitioner’s filing can be construed as a request for extension of time in which to file a notice of appeal, it will be granted. See F.R.App.4(a)(5)(A). Petitioner may file a notice of appeal within thirty days of October 2, 2014, when the time for filing a notice of appeal expired.

¹ Petitioner is correct in stating that he filed a notice of appeal which was construed as objections. (ECF Nos. 19, 20.) Petitioner is informed that a notice of appeal is not effective until judgment has been entered.

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. Petitioner's request for an extension of time to file a certificate of appealability (ECF
3 No. 23) is denied as moot; and

4 2. Petitioner's filing of October 3, 2014 (ECF No. 23), is construed as a request for
5 extension of time in which to file a notice of appeal, and is granted. Petitioner shall file a notice
6 of appeal before November 3, 2014.

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8 Dated: October 22, 2014

9 /s/ Gregory G. Hollows

10 UNITED STATES MAGISTRATE JUDGE

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