



1 Prison.<sup>1</sup> The Court construes the above-referenced letter as a request for an extension of time  
2 to file a notice of appeal. Cf. Tinsley v. Borg, 895 F.2d 520, 523 (9th Cir. 1990) (treating  
3 timely pro se motion for certificate of appealability as timely notice of appeal).

4 Federal Rule of Appellate Procedure 4(a) is the exclusive avenue for relief from the  
5 expiration of the period to file a timely notice of appeal. See In re Stein, 197 F.3d 421, 426-  
6 27 (9th Cir. 2000). Rule 4(a)(5) allows for an extension of time to appeal if the party  
7 requests such relief within thirty days of the expiration of the time to file the notice and  
8 shows excusable neglect or good cause. See Fed. R. App. P. 4(a)(5). The extension must be  
9 to a date no more than thirty days after the original deadline, or fourteen days after the entry  
10 of the order granting the motion, whichever is later. See id


11 GOOD CAUSE APPEARING, petitioner's motion for an extension of time to file a  
12 notice of appeal and COA is hereby GRANTED. Petitioner shall file the notice of appeal  
13 and COA within **fourteen** days of the date this order is filed.

14 Petitioner also asks the Court for an order informing prison officials that petitioner has  
15 a court deadline for filing the notice of appeal and COA, so that he may be provided with  
16 priority user status in the prison law library. To the extent petitioner seeks a separate order  
17 setting forth such deadline, the request is denied, as petitioner may provide a copy of the  
18 instant order to prison officials for that purpose.

19 This order terminates Docket No. 27.

20 IT IS SO ORDERED.

21 DATED: October 22, 2010

22   
23 MAKINE M. CHESNEY  
24 United States District Judge

25  
26  
27 <sup>1</sup>Petitioner states in his letter that he sent to the district court in "February or March of  
28 2010" a notice of his change of address to Pelican Bay State Prison. (Docket No. 27 at 1:23-  
24.) The docket, however, contains no entry reflecting the court's receipt of any such notice.