

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

NORMAN PATTERSON,	)	No. C 08-5423 MMC (PR)
	)	
Petitioner,	)	<b>ORDER DENYING PETITIONER'S</b>
	)	<b>SECOND REQUEST FOR EXTENSION</b>
v.	)	<b>OF TIME TO FILE NOTICE OF</b>
	)	<b>APPEAL</b>
LARRY SMALL, Warden,	)	(Docket No. 20)
	)	
Respondent.	)	
_____	)	

On August 6, 2010, the Court granted respondent's motion to dismiss as untimely the above-titled pro se petition for a writ of habeas corpus; judgment was entered that same date. On October 21, 2010, the Court granted petitioner's first request for an extension of time to file a notice of appeal and instructed petitioner to file the notice of appeal within 14 days, i.e., by November 4, 2010. (Docket No. 19.) On November 4, 2010, rather than filing a notice of appeal, petitioner filed a second request for an extension of time to file a notice of appeal. As set forth below, the request must be denied as untimely.

Rule 4(a)(5)(C) of the Federal Rules of Appellate Procedure provides: "No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later." The

