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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWARD LINDSEY,

Petitioner,

v.

ANTHONY HEDGPETH,

Respondent.

No. C 11-0638 SI (PR)

**ORDER DENYING PETITIONER'S
MOTION TO EXTEND TIME TO FILE
A NOTICE OF APPEAL;**

**ORDER CONSTRUING MOTION AS A
NOTICE OF APPEAL;**

DIRECTIONS TO CLERK

This is a closed federal habeas corpus action. The petition was denied and judgment was entered in favor of respondent on July 10, 2012. Petitioner was granted an extension of time to file a notice of appeal ("NOA"). (Docket No. 19.) Petitioner now asks for another extension. (Docket Nos. 20 and 21.) The appellate rules, however, do not allow for any further extensions. *See* Fed. R. App. P. 4(a)(5)(C). Accordingly, this motion is DENIED.

However, because petitioner clearly intends to appeal this Court's judgment, the Court construes the present motion as an NOA. The Clerk of the Court shall amend the docket to so reflect and shall process petitioner's appeal.

The Clerk shall terminate Docket Nos. 20 and 21, and process the appeal.

IT IS SO ORDERED.

DATED: October 11, 2012



SUSAN ILLSTON
United States District Judge