UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JUNOR DOUGLAS,

             Petitioner,

    v.

RAUL LOPEZ,

             Respondent.

Case No. 11-cv-06300-WHO (PR)

ORDER DENYING MOTION TO EXTEND TIME;

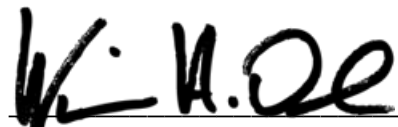**ORDER CONSTRUING MOTION AS A NOTICE OF APPEAL**

United States District Court
Northern District of California

This is a closed federal habeas corpus action. The habeas petition was denied and judgment was entered in favor of respondent on October 29, 2013. Douglas has filed a motion for an extension of time to file objections to the Court's decision. (Docket No. 17.)

Douglas's motion for an extension of time is DENIED. However, the Court construes the motion, which was filed within the period established by Fed. R. App. P. 4(a)(1), as a timely-filed Notice of Appeal. (Though stamped as received on November 20, 2013, for purposes of the present motion the Court assumes that Douglas put the motion in the prison mail the day he signed it and will use that as the filing date (November 17th) under the prisoner mailbox rule. See generally Houston v. Lack, 487 U.S. 266, 276 (1988).) The Clerk of the Court shall amend the docket to reflect this conclusion, terminate Docket No. 17, and shall process Douglas's appeal.

IT IS SO ORDERED.

Dated: November 21, 2013

WILLIAM H. ORRICK
United States District Judge

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JUNIOR DOUGLAS,

              Plaintiff,

  v.

RAUL LOPEZ et al,

              Defendant.

_____/

Case Number: CV11-06300 WHO

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 21, 2013, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail.

Junor Douglas G-34804
3A02-206U
California State Prison - Corcoran
P.O. Box 3461
Corcoran, CA 93212-3461

Dated: November 21, 2013

Richard W. Wieking, Clerk
By: Jean Davis, Deputy Clerk