

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 DOYAL M. WEBBER,
4 Plaintiff,

5 v.

6 CONNIE GIPSON,
7 Defendant.
8

Case No. [13-cv-01444-VC](#)

**ORDER GRANTING MOTION TO
EXTEND TIME TO FILE APPEAL**

Re: Dkt. No. 19

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10 On May 7, 2014, judgment was entered against Petitioner Doyal M. Webber in this habeas
11 action. On November 4, 2014, Webber filed a motion for an extension of time to file an appeal.
12 He indicates that he could not file a timely notice of appeal because he was in Administrative
13 Segregation and without his legal papers from April 20, 2014 through September 22, 2014.

14 Under Federal Rule of Appellate Procedure 4(a)(5), a court may extend the time to file a
15 notice of appeal if (i) a party so moves no later than thirty days after the time prescribed by Rule
16 4(a) expires; and (ii) regardless of whether the motion is filed during the thirty-day period, the
17 party shows excusable neglect or good cause.

18 The Court finds that the the thirty-day period for filing a notice of appeal began to run on
19 September 22, 2014, when Webber received his legal papers and, thus, he has filed this motion
20 within the time period prescribed by Federal Rule of Appellate Procedure 4(a)(5)(i). The Court
21 also finds that Webber has shown good cause for not filing a timely notice of appeal. Therefore,
22 Webber's motion satisfies the requirements of Federal Rule of Appellate Procedure 4(a)(5). The
23 motion for an extension of time to file a notice of appeal is granted.

24 This Order terminates docket number 19.

25 **IT IS SO ORDERED.**

26 Dated: November 14, 2014



27
28 VINCE CHHABRIA
United States District Judge

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Plaintiff,

v.

CONNIE GIPSON,
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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 11/14/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Doyal M. Webber ID: AB3963
CSP- Los Angeles County
P.O. Box 8457
Lancaster, CA 93539-845

Dated: 11/14/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA