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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISIDRO ROMAN,
Petitioner,
v.
S. FRAUENHEIM, Warden,
Respondent.

Case No. 16-cv-02985-HSG (PR)

**ORDER DENYING AS UNNECESSARY
PETITIONER'S APPLICATION FOR
EXTENSION OF TIME**

Re: Dkt. No. 36

Petitioner's application for an extension of time to file a certificate of appealability, which is construed as an application for an extension of time to file a notice of appeal, is DENIED as unnecessary. Petitioner has already filed a timely notice of appeal with the United States Court of Appeals for the Ninth Circuit. *See* Dkt. No. 33; Fed. R. App. P. 4(a)(4) (a timely filed motion for reconsideration delays the time for filing a notice of appeal to 30 days from entry of the order deciding the motion). The Ninth Circuit has received the notice of appeal and will determine whether a certificate of appealability should issue. *See* Dkt. No. 35.

This Order terminates Dkt. No. 36.

IT IS SO ORDERED.

Dated: 12/7/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge