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E-FILED on 2/23/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT PRESTON,

 Petitioner,

 v.

ROSANNE CAMPBELL, Warden of Mule
Creek State Prison, Ione,


 Respondent.

No. C-05-05154 RMW

ORDER GRANTING PETITIONER'S
MOTION FOR EXTENSION OF TIME

On January 6, 2010, the court issued a judgment in this case. Petitioner Robert Preston moves for an extension of time to file a notice of appeal. Petitioner has represented to the court that he did not receive notice of the court's denial of his habeas petition until January 15, 2010 and has been waiting for his former counsel to forward the documentation he needs to proceed in this matter. Finding that petitioner has shown good cause, the court grants the motion for an extension of time. Petitioner shall have until March 9, 2010 to file a notice of appeal with the district clerk.

DATED: 2/23/10



RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been sent to:**

2 **Petitioner:**

3 Robert Preston
4 V-63664
5 California Correctional Institution
6 Unit 2, Dorm 2, 22 Low
7 P.O. Box 608
8 Tehachapi, CA 93581

9 **Counsel for Petitioner:**

10 Dennis Patrick Riordan dennis@Riordan-Horgan.com
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12 **Counsel for Respondent:**

13 Ann P. Wathen ann.wathen@doj.ca.gov

14
15
16 Counsel are responsible for distributing copies of this document to co-counsel that have not registered
17 for e-filing under the court's CM/ECF program.

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Dated: 2/23/10

CCL
Chambers of Judge Whyte