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NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID GRECU,)	No. C 07-00780 JF (PR)
)	
Petitioner,)	ORDER GRANTING MOTION FOR
)	EXTENSION OF TIME TO FILE
vs.)	APPLICATION FOR CERTIFICATE OF
)	APPEALABILITY
M. S. EVANS, Warden,)	
)	
Respondent.)	(Docket No. 26)
_____)	

On August 27, 2008, the Court granted Respondent’s motion to dismiss the petition as untimely. On September 12, 2008, Petitioner filed a motion for an extension of time to file a motion for a certificate of appealability (Docket No. 26). In his motion, petitioner explains that he is waiting to receive copies of court documents from the superior court to present as exhibits in his appeal to prove that the petition was timely filed. (Pickens Decl. in Supp. of Mot. at 1.) Petitioner requests an enlargement of time up to and including September 15, 2008, to file his notice of appeal and motion for a certificate for appealability


Federal Rule of Appellate Procedure 4(a)(5) allows a motion for an extension of time if the party requests it within thirty days of the expiration of the time to file the notice and shows excusable neglect or good cause. See Fed. R. App. P. 4(a)(5). The

1 extension must be no later than thirty days after the original deadline, or ten days after the
2 entry of the order granting the motion, whichever is later. See id. The Court concludes
3 that Petitioner has shown good cause for such extension. Accordingly, Petitioner's
4 motion for an extension of time to file an application for a certificate of appealability
5 (docket no. 26) is GRANTED.

6 Petitioner shall file an application for a certificate of appealability no later than
7 thirty days after the original deadline, *i.e.*, **no later than September 26, 2008.** Id.

8 IT IS SO ORDERED.

9 DATED: 9/18/08


JEREMY FOGEL
United States District Judge