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2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 \*E-FILED -8/26/1\*

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 TROY URIE,

10 Defendant.

Case No. C-10-04063-RMW  
Related Criminal Case: CR-06-00196-RMW

ORDER REOPENING TIME TO APPEAL  
DENIAL OF MOTION PURSUANT 28 U.S.C.  
§ 2255

11 Defendant Troy Urie moves to reopen the time to appeal the order denying his motion to set  
12 aside his conviction pursuant to 28 U.S.C. § 2255. He claims that although the order and judgment  
13 thereon were entered on May 5, 2011, he did not receive them until July 21, 2011. He filed his  
14 motion to reopen and his notice of appeal on August 4, 2011. It does appear that Urie did not  
15 receive the order and judgment which were initially mailed to him. With the benefit of the mailbox  
16 rule, his motion to reopen and notice of appeal appear timely. *See* Fed. R. App. Proc. 4(a)(6).  
17 Therefore, his motion to reopen is granted.

18 The district court, however, denied a certificate of appealability, so Urie must obtain a  
19 certificate of appealability under Fed. R. App. Proc. 22 from the court of appeals before he can  
20 proceed with his appeal. *See* Rule 11(a) of the Rules Governing Section 2255 Proceedings.

21  
22 DATED: August 26, 2010



23 RONALD M. WHYTE  
24 United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

Case Number: CV10-04063 RMW

**CERTIFICATE OF SERVICE**

v.

TROY URIE,  
Defendant.

\_\_\_\_\_/

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 August 26, 2011, 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, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

Mailed to:

Mudiaga (Troy) Urie  
A# 98 409 078  
Tacoma Contract Detention Facility  
1623 East J Street, Ste. 5, B1  
Tacoma, Washington 98421-1615

Dated: August 26, 2011

/s/ JG

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk