

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARVIN GLENN HOLLIS,

Plaintiff,

v.

RISENHOOVER, et al.,

Defendants.

Case No. 17-00326 BLF (PR)

**ORDER GRANTING MOTION FOR  
EXTENSION TO FILE APPEAL**

(Docket No. 144)

Plaintiff, a California state prisoner, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. On June 18, 2020, the Court granted Defendants’ motion for summary judgment, denied Plaintiff’s cross-motion for summary judgment, and entered judgment the same day. Dkt. Nos. 141, 142. On July 16, 2020, Plaintiff filed a motion for an extension of time to file an appeal due to program suspensions at the prison, including the law library, due to COVID-19. Dkt. No. 144.

An appeal of right may be taken only by filing a valid notice of appeal in the district court within the time allowed by the Federal Rules of Appellate Procedure. Fed. R. App. P. 3(a)(1). Rule 4(a) of the Federal Rules of Appellate Procedure requires that a notice of appeal “be filed with the district clerk within 30 days after the entry of the judgment or order appealed from.” Fed. R. App. P. 4(a)(1)(A). Rule 4(a)(5) allows a motion for an

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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. Fed. R. App. P. 4(a)(5). The extension must be for no later than thirty days after the original deadline, or fourteen days after the entry of the order granting the motion, whichever is later. *Id.*

Since judgment was entered on June 18, 2020, Plaintiff had until July 18, 2020, to file a timely notice of appeal. Fed. R. App. P. 4(a)(1). Accordingly, Plaintiff's motion for extension of time filed on July 16, 2020, is timely. *Id.* Having also shown good cause, Plaintiff's motion is **GRANTED**.

Plaintiff must file his notice of appeal **no later than either August 17, 2020**, (30 days after the original deadline of July 18, 2020), **or fourteen days after the date this order is filed, whichever is later**.

This order terminates Docket No. 144.

**IT IS SO ORDERED.**

**Dated: July 21, 2020** \_\_\_\_\_



BETH LABSON FREEMAN  
United States District Judge