

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

United States of America,	)	
ex rel. Xavier Edwards #R28955,	)	
	)	
Petitioner,	)	
	)	
v.	)	07 C 7196
	)	
Gregory Schwartz,	)	
	)	
Respondent.	)	

MEMORANDUM ORDER

This Court’s February 3, 2009 memorandum opinion and order dismissed the pro se petition that had been brought by Xavier Edward (“Edwards”) under 28 U.S.C. §2254, seeking to obtain federal habeas relief against the state court conviction on which he is now serving a custodial sentence. On February 27 this District Court’s Clerk’s Office received Edwards’ motion for an extension of time within which to file a notice of appeal from that dismissal.<sup>1</sup> Edwards has asserted a good cause for such an extension, as required by Rule 4(a)(5)(A)(ii): At Pinckneyville Correctional Center, where he is incarcerated, he is allowed only limited access to the prison law library.

This Court therefore grants Edwards’ motion for an extension of 30 days, which would bring the date to April 4 in calendar

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<sup>1</sup>Although Edwards’ motion refers to March 3 as the last day for filing the notice, that fails to take into account the fact that February is only a 28-day month. Thus the 30-day period for filing the notice (see Fed.R.App.P. (“Rule”) 4(a)(1)(A)) runs out on March 5 rather than March 3.

terms but actually permits a filing by April 6 because April 4 is a Saturday. This grant of an extension does not of course address the question whether Edwards will be entitled to a certificate of appealability once he perfects his appeal.

A handwritten signature in cursive script, reading "Milton I. Shadur".

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Milton I. Shadur  
Senior United States District Judge

Date: March 3, 2009