

No. 4:13 CV 1527 CDP

receives notice under Federal Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and


(C) the court finds that no party would be prejudiced.

The first condition of the Rule is not satisfied because petitioner received timely notice of the Order of Dismissal. As a result, I may not grant the motion.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion to reopen the time for filing an appeal [ECF No. 10] is **DENIED**.

Dated this 19th day of November, 2013.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE