

appeal cannot serve as a motion for extension of time to file an appeal. [*Burgs v. Johnson Cnty., Iowa*, 79 F.3d 701, 702 \(8th Cir. 1996\)](#).

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Extension of Time is denied. (Filing No. [44](#).)
2. The clerk's office shall not process the appeal to the Eighth Circuit Court of Appeals.
3. The clerk's office shall send a copy of this Memorandum and Order to the Clerk of the Eighth Circuit Court of Appeals.

DATED this 22nd day of February, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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