

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 BRENDAN NASBY,

Case No. 3:07-cv-00304-LRH-WGC

5 Petitioner,

6 v.

**ORDER**

7 TIM GARRETT, et al.,

8 Respondents.

9 This habeas matter is before the Court on Petitioner Brendan Nasby's unopposed Motion  
10 to Extend Time (ECF No. 220). Generally, an appeal in a civil case must be taken within 30 days  
11 after the entry of judgment. Fed. R. App. 4(a). Rule 4(a) of the Federal Rules of Appellate  
12 Procedure ("FRAP") is the exclusive avenue for relief from the expiration of the period to file a  
13 timely notice of appeal. *See In re Stein*, 197 F.3d 421, 426–27 (9th Cir. 2000). Rule 4(a) provides  
14 as follows:

15 The district court may extend the time to file a notice of appeal if:

- 16 (i) a party so moves no later than 30 days after the time prescribed by this Rule  
17 4(a) expires; and  
18 (ii) regardless of whether its motion is filed before or during the 30 days after  
19 the time prescribed by this Rule 4(a) expires, that party shows excusable  
neglect or good cause.

20 FRAP 4(a)(5)(A).

21 Good cause appearing, the Court grants Petitioner's motion to extend. Petitioner has until  
22 May 27, 2022 to file his notice of appeal.

23 **IT IS THEREFORE ORDERED** that Petitioner's Motion to Extend Time (ECF No. 220)  
24 is GRANTED.

25 DATED this 2<sup>nd</sup> day of May 2022.

26  
27  
28   
LARRY R. HICKE  
UNITED STATES DISTRICT JUDGE