

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:10-CV-000124-RLV
(5:06-CR-00041-RLV-DCK-14)

JUAN LOPEZ,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on Petitioner’s motion for extension of time to file an appeal from this Court’s Order denying relief on his motion to vacate, set aside or correct sentence, filed pursuant to 28 U.S.C. § 2255.

On August 27, 2013, this Court entered an Order denying relief in the § 2255 proceeding and a judgment was entered that same day. In his motion, Petitioner indicates that he did not receive notice of the denial until November 5, 2013. Rule 4(a)(5) of the Rules of Appellate Procedure provides that the district court may extend the time for filing a notice of appeal if the moving party files such a motion within 30 days of the expiration of the time for taking appeal. Petitioner had until on or about October 26, 2013 in order to file his notice of appeal. Petitioner’s motion for extension of time is timely filed and the Court finds that good cause exists to grant the extension.

Petitioner has also filed a motion to hold further proceedings in abeyance pending his transfer to a new facility within the Federal Bureau of Prisons. A search of the website of the Bureau of Prisons shows that Petitioner is still housed in the Federal Correctional Institution

(FCI) in Ashland, Kentucky. The Clerk will be directed to mail a copy of this Order along with copies of Docket Nos. 9 and 10 to Petitioner at FCI Ashland.

IT IS, THEREFORE, ORDERED that Petitioner's motion for extension of time to file a notice of appeal is **GRANTED**. (Doc. No. 12).

IT IS FURTHER ORDERED that Petitioner's motion to hold proceedings in abeyance is **DENIED** as moot. (Doc. No. 14).

The Clerk is respectfully directed to mail a copy of this Order and Docket Nos. 9 and 10 to Petitioner at the following address: Juan Lopez, Reg. No. 20931-058, FCI Ashland, Federal Correctional Institution, P.O. Box 6001, Ashland, KY 41105. The Clerk is further directed to notify the Fourth Circuit upon entry of this Order.

Signed: December 5, 2013



Richard L. Voorhees
United States District Judge

