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**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

2009 OCT -9 A 11: 59

Appeal No. 09-1559

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

**ALFRED W. TRENKLER,
Petitioner-Appellant**

v.

**UNITED STATES,
Respondent-Appellee**

**GOVERNMENT'S MOTION FOR ORDER EXTENDING THE TIME
– TO DECEMBER 1, 2009 –
WITHIN WHICH IT MUST FILE ITS RESPONSIVE BRIEF**

The government respectfully moves this Court to continue for 45 days – to **December 1, 2009** – the date on which its brief is due. In support of this motion, the government states the following:

1. This is a prisoner's pro-se appeal from the denial of his request for collateral relief pursuant to 28 U.S.C. §2255 from his 1993 conviction and life sentence for a bombing in which one police officer was killed and another was seriously injured.
2. The government's brief is currently due on October 16, 2009. The government has not previously requested an extension of its deadline in this appeal.
3. In his appeal, the prisoner argues that the district court erred in denying his claim that newly-discovered evidence and other information suggest that he is actually innocent of the crime for which he was convicted and sentenced more than fifteen years ago and, as a result, he is entitled to relief pursuant to 18 U.S.C. §2255. The prisoner's appeal


presents a number of legal issues regarding the prisoner's ability to establish that he is entitled to pursue his claim at this time as well as potentially complex factual issues concerning the nature and relevance of the purported newly-discovered evidence. As a result, the appeal is expected to require substantial legal research as well as review of the extensive record in this case.

4. Responsibility for this appeal has recently been assigned to the undersigned appellate AUSA. The undersigned is currently involved in the preparation of responsive briefs to be filed in three appeals due within the next week, including *United States v. DePierre*, No. 08-2101 (due October 13, 2009), *United States v. Johnson*, No. 09-1029 (due October 15, 2009), and *United States v. Romain*, No. 09-1667 (due October 15, 2009). In addition, the undersigned has been assigned responsibility for preparing the government's response in *United States v. Mare*, No. 09-1146 (due October 26, 2009). In light of these deadlines, the undersigned does not expect to be able to devote substantial time to this appeal for several weeks.

For these reasons, the government respectfully requests that the Court allow this motion.

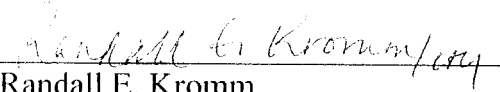
Respectfully submitted,

MICHAEL K. LOUCKS
Acting United States Attorney

By: 
RANDALL E. KROMM
Assistant U.S. Attorney

Certificate of Service

I, Randall E. Kromm, AUSA, certify that I caused this motion to be served by first-class mail on the pro-se defendant, Alfred W. Trenkler, Reg. No. 19377-038, P.O. Box 879, Federal Medical Center Devens, Ayer, Massachusetts, 01432, on October 8, 2009.



Randall E. Kromm