



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

**Appeal No. 09-1559**

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

**v.**

**UNITED STATES,  
Respondent-Appellee**

**GOVERNMENT'S MOTION FOR ORDER EXTENDING THE TIME  
– TO JANUARY 10, 2010 –  
WITHIN WHICH IT MUST FILE ITS RESPONSIVE BRIEF**

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FOR THE FIRST CIRCUIT  
2009 NOV 1 P 12:44

The government respectfully moves this Court to continue for an additional 40 days – to **January 10, 2010** – 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 December 1, 2009. The government previously requested and was granted a 45-day extension of its deadline in this appeal.
3. The prisoner argues on appeal that the district court erred in denying his claim that his conviction should be overturned based on what he claims is newly discovered evidence establishing that he is actually innocent of the crime for which he was convicted

and sentenced more than fifteen years ago. The prisoner's appeal presents a number of legal issues regarding the prisoner's ability to establish that he is entitled to pursue his claims at this time as well as potentially complex factual issues concerning the nature and relevance of the purported newly discovered evidence. In addition, preparation of the response requires review of the extensive record in the case, which includes the defendant's 17-day trial and a series of post-trial challenges by the defendant.

4. The undersigned has reviewed the defendant's claims and begun preparing the government's response. Progress has been hampered, however, by the undersigned's responsibilities in other cases. These include substantial drafting of the government's brief in *United States v. Dunbar*, No.09-1693 (filed November 13, 2009), preparation of district court filings addressing an unsettled Fourth Amendment question regarding DNA indexing of arrestees in *United States v. Clemente*, Crim. No. 09-10276 (filed November 6, 2009), and *United States v. Boylan*, Crim. No. 09-10308 (filed November 18, 2009), and review of the government's responsive brief in *United States v. Ferguson*, No. 08-2151 (currently due November 25, 2009, although an extension request to allow for production of a required transcript is anticipated).


5. The undersigned is responsible for writing and/or reviewing a number of briefs due to be filed in December, including *United States v. Mare*, 09-1146 (government's brief due December 3, 2009), *United States v. Cerna-Garcia*, 08-2518 (government's brief due December 9, 2009), *United States v. Persichilli*, 09-1799 (government's brief due December

11, 2009); *Clarence Earle v. United States*, 09-2372 (government's brief due December 14, 2009), and *United States v. Ziskind*, Nos. 06-1580 and 07-2517 (government's brief due December 15, 2009). In addition, the undersigned has plans to take vacation time during the holidays.

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

Respectfully submitted,

CARMEN M. ORTIZ  
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, MDC Brooklyn PO Box 329002, Brooklyn, NY 11232, on November 24, 2009.

