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client

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

ALFRED W. TRENKLAR  
Petitioner-Appellant

v.

UNITED STATES  
Respondent-Appellant

GOVERNMENT'S MOTION FOR ADDITIONAL TIME  
-TO MARCH 9, 2001 - IN WHICH TO FILE  
ITS BRIEF

The United States of America respectfully moves this Court for an extension in which to file its brief – to March 9, 2001. In support of this motion, the government states the following:

1. This is the petitioner's appeal from the district court's denial of a petition filed pursuant to 28 U.S.C. 2255. The petitioner has had a direct appeal, and an appeal from the district court's denial of his new trial motion. United States v. Trenklar, 61 F.3d 45 (1<sup>st</sup> Cir. 1995); United States v. Trenklar, 134 F.3d 361 (1<sup>st</sup> Cr. 1998). The district court denied the petitioner's §2255 as untimely under the AEDPA.

2. The government's response to the petitioner's appeal is due on

February 9, 2001.

3. The responsibility for this appeal is being reassigned from the trial assistant to another assistant, First Assistant U.S. Attorney David Mackey.

4. The appeal raises an important legal issue concerning a gatekeeping requirement under the AEDPA, and the additional time is requested to prepare the government's brief.

5. The requested continuance should not unduly delay the disposition of the case.

Accordingly, the government respectfully requests that the Court allow this motion.

Respectfully submitted,

DONALD K. STERN  
United States Attorney

By:

  
DINA MICHAEL CHAITOWITZ  
Chief of Appeals

### Certificate of Service

I, Dina Michael Chaitowitz, certify that I caused a copy of this motion to be served by first-class mail on Bruce Edmands, Esq., Mahoney, Hawkes, 75 Park Plaza, Boston, MA 02116, on January 23, 2001.

