

**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 29, 2010 –
WITHIN WHICH IT MUST FILE ITS RESPONSIVE BRIEF**

The government respectfully moves this Court to continue for an additional four days – **to January 29, 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 which killed one police officer seriously injured another.

2. The government’s brief is currently due on January 25, 2010.¹ The government previously requested and was granted several extensions of its deadline in this appeal.

¹In its most recent request for an extension, the government requested an extension to January 26, 2010. This Court granted the request, but shortened the deadline by one day, to January 25.

3. The prisoner argues on appeal that the district court erred in denying his claim that his conviction should be overturned based on alleged 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 pursue his claims at this late date, as well as factual questions 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 multiple post-trial challenges by the defendant.

4. Due to work on other cases, including *United States v. Mare*, No.09-1146 (government's brief filed December 15, 2009), *Earle v. United States*, No. 09-2372 (government's motion for summary disposition filed December 23, 2009), *United States v. Ferguson*, No. 08-2151 (government's motion for summary disposition filed December 23, 2009), and *United States v. Persichilli*, No. 09-1779 (government's brief filed January 8, 2010), and a vacation during the holidays, the undersigned's ability to work on this brief was limited until the past two weeks.

5. Since then, the undersigned has worked diligently on the government's brief and a draft is nearly complete. Due to the importance and complex history of the case, however, the government requests a short additional extension to ensure

adequate time for review of the draft, the completion of any necessary revisions, and the production of the brief and addendum and/or supplemental appendix.

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

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: /s/Randall E. Kromm
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 January 22, 2010.

/s/Randall E. Kromm