

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 3:75-CR-00026-F
No. 5:06-CV-00024-F

UNITED STATES OF AMERICA)
)
) MOTION TO EXTEND TIME
)
)
JEFFREY R. MacDONALD)

NOW COMES the Defendant, Jeffrey R. MacDonald, by and through undersigned counsel, and moves to extend the time upon which to file an appeal to this Court’s order entered on August 8, 2014. [DE-356]. In support of this Motion, undersigned counsel shows the Court the following:

1. On September 20, 2011, undersigned counsel joined Defendant’s prior counsel, *pro bono*, solely to assist with Defendant’s IPA claim. [DE-177]. The assistance was never intended to extend to an appeal.
2. Undersigned counsel was terminated as counsel of record by the Clerk of Court effective September 4, 2012 after filing a Clarification of Notice of Appearance that day. [DE-280].
3. On August 8, 2014, this Court entered an order denying Defendant’s Motion Pursuant to the Innocence Protection Act of 2004, 18 U.S.C. § 3600, for New Trial Based on DNA Testing Results and Other Relief. [DE-176].
4. Questions regarding the status of Defendant’s IPA claim counsel have been further complicated by the fact that Defendant’s has been under visitation and communication restrictions since shortly after the Court’s Order denying his \$2255

claim was filed in July 2014. [DE-354]. As a result, undersigned counsel has been unable to discuss the possibility of appealing the Court's Order or obtaining counsel for the appeal with Defendant.

5. Undersigned counsel acknowledges that Pursuant to Rule 4(b)(1) of the Federal Rules of Appellate Procedure, the deadline for filing a Notice of Appeal has passed.
6. Undersigned counsel has discussed this motion with the office of AUSA John Bruce.
7. Defendant respectfully requests an extension for good cause shown for filing of a Notice of Appeal until September 22, 2014, pursuant to Rule 4(b)(4).

WHEREFORE, undersigned counsel respectfully requests that this Motion be granted and that Defendant receive an extension of time in which to file a Notice of Appeal of this Court's Order until September 22, 2014, pursuant to Federal Rule of Appellate Procedure 4(b)(4).

This the 15th day of September, 2014.

/s/ Christine Mumma
Christine Mumma
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION TO EXTEND TIME through the electronic service function of the Court's electronic filing system, as follows:

John S. Bruce
First Assistant United States Attorney
310 New Bern Avenue
Raleigh, NC 27601

This the 15th day of September, 2014.

/s/ Christine Mumma
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