

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

No. 14-7543

v.

JEFFREY R. MacDONALD

)
)
)
) MOTION TO EXTEND TIME TO
) OBTAIN PRO BONO COUNSEL AND FILE
) NOTICE OF APPEARANCE REGARDING
) PETITIONER'S INNOCENCE PROTECTION
) ACT CLAIM (18 U.S.C. § 3600)

TO THE HONORABLE CLERK OF THE FOURTH CIRCUIT COURT OF APPEALS:

NOW COMES the Defendant, Jeffrey R. MacDonald, on his own behalf and moves the Court to extend the time to obtain qualified *pro bono* counsel in relation to the denial of his Innocence Protection Act of 2001 claim (18 U.S.C. § 3600) by the District Court of the Eastern District of North Carolina.¹

In support of this Motion, the Defendant provides the Court with the following:

1. On August 8, 2014, the District Court (EDNC) entered an order denying Defendant's Motion Pursuant to the Innocence Protection Act of 2001, (18U.S.C. § 3600) for New Trial Based on DNA Testing Results and Other Relief. [DE-176].¹
2. On November 18, 2014, Defendant wrote this Court (in a pro se capacity) requesting an extension of time to obtain qualified pro bono counsel to handle the "IPA Appeal". He demonstrated why an extension for good cause should be granted and the Court graciously allowed new deadlines of December 17 2014 and then January 21, 2015, respectively.

3. Defendant has been reliant on his wife, Kathryn, to find and secure new counsel for this appeal. Mrs. MacDonald has been waylaid for a large portion of the extension due to serious illness and a number of other mitigating factors).²
4. Further, the search for pro bono counsel, also very familiar with the Innocence Protection Act, has proved inherently arduous, especially for a layperson such as Mrs. MacDonald.
5. Lastly, given the holiday season, it has been quite difficult to make contact with potential counsel, even given the Court's previous generous allowance of extra time. Defendant accepts full responsibility for the delays, but respectfully requests the Court's continued consideration of the circumstances, outlined herein, underlying Mrs. MacDonald's task.
6. Defendant has just recently located a prospective attorney and is hopeful that counsel will enter his appearance post-haste.
7. Separately, the Defendant has submitted a confidential affidavit (CJA-23) as required by the Court, and within the parameters of its current deadline.
8. Defendant respectfully moves the Court for an additional extension for good cause shown to obtain counsel to represent him regarding his IPA appeal (18 U.S.C. § 3600) and the filing of counsel's Notice of Appearance, for approximately 14 days post-receipt of this request (February 9, 2015).
11. Defendant will not seek further extension and appreciates the Court's leniency and consideration thus far.

¹ Mr. M. Gordon Widenhouse, Esq., remains (lead) counsel of record on all other case matters with the exception of the IPA-related issues.

² Documentation of Mrs. MacDonald's medically related issues can be made available should the Court desire it.

WHEREFORE, the undersigned respectfully requests that this Motion be granted and that Defendant receive the requested extension of time in which to obtain qualified counsel and procure said counsel's filing of a Notice of Appearance before this Court.

This is the 21st day of January 2015.

/s/ Jeffrey R. MacDonald

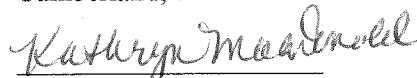
Jeffrey R. MacDonald
Defendant

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Current Mailing Address:

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Kathryn A. MacDonald

Wife of Defendant/POA

7308 Shady Glen Drive
Columbia, MD 21046

Telephone: (443) 908-0986

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION TO EXTEND TIME
via pre-paid first class U.S. mail as follows:

Thomas G. Walker
United States Attorney
310 New Bern Avenue
Raleigh, NC 27601

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

Leslie K. Cooley
Assistant U.S. Attorney
310 New Bern Avenue
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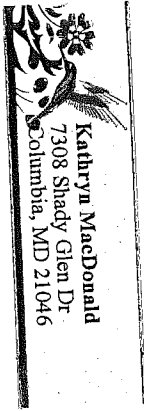
Jennifer P. May-Parker, Esquire
310 New Bern Avenue
Raleigh, NC 27601

Brian M. Murtagh
Special Assistant U.S. Attorney
310 New Bern Avenue
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This is the 21st day January 2015.

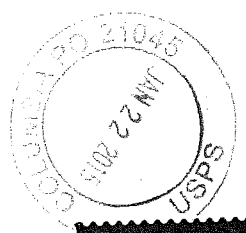


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