

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 3:75-CR-26-F
No. 5:06-CV-24-F

UNITED STATES OF AMERICA)	
)	
v.)	GOVERNMENT'S MOTION TO
)	EXTEND TIME TO FILE RESPONSE
)	TO MOVANT'S SUPPLEMENTAL
JEFFREY R. MacDONALD,)	MEMORANDUM SUPPORTING
Movant)	RULE 59(e) MOTION
)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits this Motion to Extend Time to File Response to Movant's Supplemental Memorandum Supporting Rule 59(e) Motion and, in support, shows unto the Court the following:

1. On November 13, 2014, the Court issued an Order granting the Government's Motion for Supplemental Briefing (DE-373) and directing Movant to file his supplemental memorandum within forty-five days of the date of the Order, and allowing the Government 30 days to respond. DE-376 at 2.

2. On December 29, 2014, Movant filed his Unopposed Motion to Extend Time To File Supplemental Memorandum (DE-377), which was granted by the Court on December 30, 2014. DE-378. MacDonald was directed to file his supplemental memorandum on or before January 6, 2015. Id.

3. On January 6, 2015, Movant filed his Supplemental Memorandum Supporting Motion to Alter or Amend Judgment. DE-379.

4. The Government is working diligently to complete its response, which is due February 5, 2015. However, in order to adequately respond to the additional arguments raised in MacDonald's Supplemental Memorandum, it has been necessary to delve into portions of the 1979 trial testimony and evidence that have not been discussed extensively in the Government's filings since the 2011 remand from the Fourth Circuit, specifically, the testimony and evidence regarding the pajama top.

5. Additionally, the Government must coordinate its response with the Appellate Section of the Criminal Division of the U.S. Department of Justice to ensure that its arguments are consistent with

Department of Justice policy pertaining to the FBI's review of microscopic hair comparisons in all cases prior to December 31, 1999.

6. The Government has contacted Mr. M. Gordon Widenhouse, Jr., counsel for MacDonald, who has consented to this motion to extend time.

7. Accordingly, the Government hereby requests an extension of time to file its Response to Movant's Supplemental Memorandum Supporting Rule 59(e) Motion until February 17, 2015.¹

Respectfully submitted, this the 30th day of January, 2015.

Thomas G. Walker
United States Attorney

BY: /s/ John Stuart Bruce
JOHN STUART BRUCE
First Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919)856-4530; Fax:(919)856-4487
E-mail: john.bruce@usdoj.gov
North Carolina Bar No. 8200

BY: /s/ Brian M. Murtagh
BRIAN M. MURTAGH
Special Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919)856-4530; Fax:(919) 856-4487
E-mail: brian.murtagh2@usdoj.gov
D.C. Bar No. 108480

BY: /s/ Leslie K. Cooley
LESLIE K. COOLEY
Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919) 856-4530; Fax:(919)856-4487
E-mail: leslie.cooley@usdoj.gov
North Carolina Bar No. 33871

¹ Monday, February 16, 2015, is a federal holiday.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document upon the defendant in this action either electronically or by placing a copy of same in the United States mail, postage prepaid, and addressed to counsel for defendant as follows:

M. Gordon Widenhouse, Jr.
Attorney at Law
312 W. Franklin Street
Chapel Hill, N.C. 27516
Phone: (919) 967-4900
FAX: 919-967-4953
Email: mgwidenhouse@rwf-law.com
N.C. Bar No. 10107

Keith Williams
Attorney at Law
321 South Evans Street, Ste. 103
Greenville, N.C. 27835
Phone: (252) 931-9362
FAX: 252-830-5155
Email: keith@williamslawonline.com
N.C. Bar No. 19333

This, the 30th day of January, 2015.

BY: /s/ John Stuart Bruce
JOHN STUART BRUCE
First Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919) 856-4530;
Fax: (919) 856-4487
E-mail: john.bruce@usdoj.gov
North Carolina Bar No. 8200

BY: /s/ Brian M. Murtagh
BRIAN M. MURTAGH
Special Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919) 856-4530;
Fax: (919) 856-4487
E-mail: brian.murtagh2@usdoj.gov
D.C. Bar No. 108480

BY: /s/ Leslie K. Cooley
LESLIE K. COOLEY
Assistant U.S. Attorney
310 New Bern Avenue, Suite 800
Raleigh, North Carolina 27601
Ph. (919) 856-4530;
Fax: (919) 856-4487
E-mail: leslie.cooley@usdoj.gov
North Carolina Bar No. 33871

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WESTERN DIVISION

No. 3:75-CR-26-F
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UNITED STATES OF AMERICA)	
)	ORDER
v.)	
)	
JEFFREY R. MacDONALD,)	
Movant)	

This matter is before the Court on Government's Motion to Extend Time to File Response to Movant's Supplemental Memorandum Supporting Rule 59(e) Motion. The Movant has consented to this motion.

For good cause shown, the Government's request for extension of time is granted, and the Government is directed to file its Response on or before February 17, 2015.

So ORDERED, this _____ day of February, 2015.

JAMES C. FOX
Senior United States District Judge