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106 Friend Street  
Amesbury, MA 01913  
September 15, 2010

United States Court of Appeals  
For the First Circuit  
John Joseph Moakley  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

FILED IN CLERK'S OFFICE  
U.S. COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2010 SEP 15 P 1:40

Case Number  
No. 10 - 1389

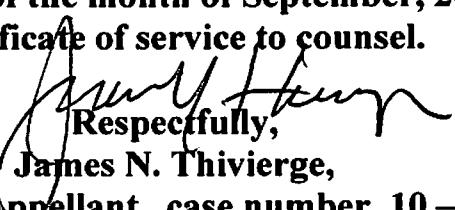
James N. Thivierge,  
Plaintiff – Appellant

Versus

Town of Amesbury;  
Mayor Kezer; Town Assessor; Town Clerk; Agent of the Library  
Defendants - Appellees

To the Honorable Ms. Margaret Carter, Clerk  
of United States Court of Appeals For the First Circuit:

In the matter of Case Number 10 – 1389, the Plaintiff – Appellant James N. Thivierge acting Pro – Se in forma pauperis files a motion to request an extension of time under Rule 26.1 Extending Time, at least till the first work day in October for two reasons: the response to the September request under 28 USC 753(f) has not been received to date, as well as the March 12, 2008 transcript; and the logistics both physical and fiscal till the end of the month of September, 2010. I include a certificate of service to counsel.

  
Respectfully,  
James N. Thivierge,  
Plaintiff – Appellant, case number 10 – 1389

106 Friend Street  
Amesbury, MA 01913  
September 8, 2010

United States District Court  
For the First Circuit  
John Joseph Moakley  
1 Courthouse Way, Suite 2500, Boston, MA 02210

District Court Case Number  
108-CV-10123-PBS  
Court of Appeals  
No. 10 - 1389

James N. Thivierge,  
Plaintiff – Appellant

**Versus**

Town of Amesbury:  
**Mayor Kezer; Town Assessor; Town Clerk; Agent of the Library**  
**Defendants - Appellees**

**To the Honorable District Court Judge Patti B. Saris**  
**of United States District Court For the First Circuit:**

In the matters of the district court case number 108-cv-10123-pbs and, currently, on appeal to the court of appeals, number 10-1389, the Plaintiff, James N. Thivierge, now Plaintiff Appellant James N. Thivierge, applied for and received “in forma pauperis” status in both instances and at both levels. On August 17, 2010, the Plaintiff-Appellant requested to review the March 12, 2008 hearing transcript, the first hearing held in Boston. The request was granted; however the cost for 26 pages was close to ninety dollars.

Under 28 USC Section 753(f), the Plaintiff-Appellant, acting pro se in forma pauperis, files a motion to request from the court that the expense “be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.” At the time, the March 12 transcript was not available for review, the Plaintiff-Appellant, James N. Thivierge, believes his review can lead to the presentation of a substantial question within his case before the court of appeals.

I include a certificate of service to counsel.

Respectfully, James N. Thivierge, Plaintiff – Appellant,  
case number 108-cv-10123-pbs, court of appeals case number 10 - 1389