

106 Friend Street
Amesbury, MA 01913
October 15, 2010

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

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

FILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

2010 OCT 15 P 3:05

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

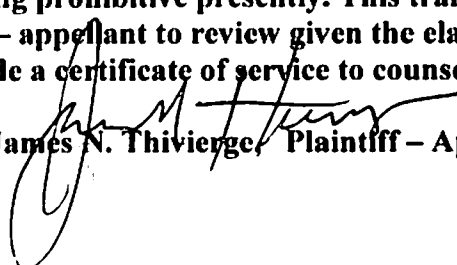
On October 8, 2010 the Plaintiff-Appellant, James N. Thivierge, Pro-Se “in forma pauperis” filed a motion for reconsideration (Motion attached) before the United States District Court to exercise 28 USC Section 753(f) to request from the court that the expense “be paid by the United States out of money 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.”

In addition to the reasons previously stated, the Plaintiff-Appellant’s intention is to review the entire procedure prior to the case being remanded to the federal court to ensure that his procedural due process and “an opportunity to be heard...at a meaningful time in a meaningful manner thereby promoting fairness and accuracy in the resolution of this dispute (Fuentes v. Shevin, S.Ct. 1972) affecting my substantive rights.

I motion to request an extension or an enlargement of time under Rule 26.1 Extending Time till November 1, 2010. The Plaintiff-Appellant needs five days to review the first hearing of March 12, 2010 in the United States District Court after its transfer from the state superior court in Lawrence, Massachusetts. This transcript was not available to view at the time, and the cost be being prohibitive presently. This transcript, I feel is necessary for the plaintiff – appellant to review given the elapsed time.

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

106 Friend Street
Amesbury, MA 01913
October 8, 2010

United States District Court
For the First District
John Joseph Moakley U.S. Courthouse,
1 Courthouse Way, Boston, MA 02210

Case Number - No. 10 - 1389
Formerly case number 108-cv-10123-pbs

FILED IN CLERKS OFFICE
U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT
2010 OCT 15 P 3:10

James N. Thivierge,
Plaintiff – Appellant
Versus
Town of Amesbury;
Mayor Kezer; Town Assessor; Town Clerk; Agent of the Library
Defendants - Appellees

To the Honorable Judge Patti B. Saris of the United States District Court:

I respectfully seek reconsideration of the following motion with more explanation:
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 and over two years expired fading his memory of the hearing. The Plaintiff-Appellant, James N. Thivierge, believes his review of this hearing can lead to the presentation of a substantial question within his case before the court of appeals to his benefit. Basically, I seek relief under 28 USC Section 753(f). 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