

GK

106 Friend Street
Amesbury, MA 01913
November 1, 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 NOV - 1 P 3:39

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 6, 2010. The Plaintiff-Appellant needs additional time and has not received the transcript requested having given further explanation to the district court. I will give 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 in the event I get an affordable copy. This transcript was not available to view at the time, and the cost 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,

