

106 Friend Street
Amesbury, MA 01913
December 8, 2010

2010 DEC -8 P 2: 56

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

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

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:

The Plaintiff-Appellant, James N. Thivierge, Pro-Se “in forma pauperis” files a motion to exercise before the United States District Court of Appeals 28 USC Section 753(f) to request from the United States Court of Appeals 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.” The Plaintiff-Appellant’s intention is to review the transcript of the March 12, 2008 proceeding.

This transcript was not available to view at the time, and the costs being prohibitive presently. This transcript is still necessary for the plaintiff – appellant to review given the elapse time. The district court denied the motion for reconsideration on November 19, 2010. It is my understanding that until it was denied by the district court, I could not file such a motion to 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

