

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

X _____	X
UNITED STATES OF AMERICA,	:
	:
Plaintiff- Appellee,	:
	:
v.	:
	:
ANDREW AUERNHEIMER,	:
	:
Defendant- Appellant.	:
X _____	X

No.13-1816

**APPELLANT’S UNOPPOSED  
MOTION FOR EXTENSION  
OF BRIEFING SCHEDULE**

Appellant Andrew Auernheimer, by and through his undersigned counsel, hereby moves this Honorable Court to grant a fifty-six (56) day extension of time to file his Brief and Joint Appendix, up to and including July 1, 2013. In support of this motion Appellant states as follows:

1. Appellant’s Brief and Joint Appendix are currently due on or before May 6, 2013.
2. On November 20, 2012, a jury sitting in the Federal District Court for the District of New Jersey found Appellant guilty of one count of conspiracy under 18 U.S.C. § 371 to gain unauthorized access to a protected computer in violation of the Computer Fraud and Abuse Act (the “CFAA”), 18 U.S.C. § 1030(a)(2)(c), and one count of knowing transfer, possession, or use of a means of identification in connection with a violation of federal law in violation of 18 U.S.C. § 1028(a)(7).

3. On March 18, 2013, the Honorable Susan D. Wigenton sentenced Appellant to 41 months on each count, to run concurrently, as well as three years of supervised release with special terms, and ordered him to pay restitution in the amount of \$73,167.00.
4. On March 21, 2013, a timely Notice of Appeal was filed.
5. This appeal raises complex issues of constitutional and statutory interpretation in relation to the CFAA that are matters of first impression in the Third Circuit. These issues are of great public concern, as evidenced by the considerable media attention this case has received. The extension will provide sufficient time to ensure that Appellant's Brief is thorough.
6. Appellant is currently being held at the United States Penitentiary-Canaan, in Waymart, Pennsylvania. He is hundreds of miles away from any of his counsel. Because Appellant's phone and email privileges are currently suspended, counsel faces significant delays in communicating with Appellant about his appeal. The requested extension should allow for sufficient time to allow for proper communication between Appellant and his counsel.
7. Because the Appellant is presently incarcerated, Appellee would not be prejudiced by the granting of the requested relief and does not oppose the requested extension.

8. Undersigned counsel is representing Appellant along with *pro bono* co-counsel who have pre-existing litigation, transactional, and academic deadlines that conflict with the current briefing schedule.
9. Appellant has made no prior requests for an extension.
10. The Appellee consents to this motion.

Accordingly, for the reasons stated above, Appellant respectfully requests a fifty-six (56) day extension to file the opening Brief and Joint Appendix, up to and including July 1, 2013.

Respectfully submitted,

/s/ Tor Ekeland

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## CERTIFICATE OF SERVICE

I certify that on April 23, 2013, the foregoing documents were filed with the CM/ECF system. The following counsel of record are registered filing users and will be served electronically by the CM/ECF Notice of Docket Activity, pursuant to Local Appellate Rule Misc. 113.4(a).

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