

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8525

UNITED STATES OF AMERICA,

Appellee,

v.

JEFFREY R. MACDONALD,

Appellant.

**MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX
TO APPELLANT'S SUPPLEMENTAL OPENING BRIEF**

NOW COMES APPELLANT Jeffrey R. MacDonald, through undersigned counsel, and hereby moves this Court for leave to file a Supplemental Appendix in support of Appellant's Supplemental Opening Brief. In support of this Motion, Appellant shows the Court the following:

1. This appeal involves the denial of a successive Section 2255 Motion filed by Appellant, who was convicted in 1979 of the murders of his family. The record in this case is extremely voluminous -- the trial itself lasted twenty-nine days, and there are numerous voluminous pleadings relating to numerous post-trial motions and habeas corpus proceedings filed prior to the Motion at issue in this

appeal. In addition, the Motion involved in this appeal involves voluminous pleadings and materials.

2. This matter was briefed by the parties, and oral argument was held on March 23, 2010.

3. On May 6, 2010, this Court entered an order expanding the Certificate of Appealability in the case, and ordering the parties to submit supplemental briefs. The Court subsequently entered a briefing schedule setting a deadline of June 15, 2010 for the filing of Appellant's Supplemental Brief.

4. The expansion of the COA in this case involves, among other things, issues relating to the DNA testing that has been performed under the supervision of the district court, and MacDonald's claims based thereon. To assist the Court in its examination of these issues, Appellant respectfully requests that the Court grant leave for him to file a Supplemental Appendix, which contains the record materials that he references in his Supplemental Opening Brief on the DNA issues. The Supplemental Appendix totals 229 pages.

WHEREFORE, Appellant Jeffrey R. MacDonald respectfully requests that this Motion be granted, and that the Court grant leave for him to file a Supplemental Appendix in support of his Supplemental Opening Brief, consisting of 229 pages.

This the 14th day of June, 2010.

/s/ Joseph E. Zeszotarski, Jr.

Joseph E. Zeszotarski, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing MOTION through the electronic service function of the Court's electronic filing system, as follows:

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This the 14th day of June, 2010.

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