

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
3:75-CR-26-3  
5:06-CV-24-F

---

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 JEFFREY R. MacDONALD )  
 Defendant )

---

**UNOPPOSED MOTION ONE DAY EXTENSION OF TIME TO FILE  
DEFENDANT’S POST-HEARING MEMORANDUM**

NOW COMES defendant, Jeffrey R. MacDonald, by and through his undersigned counsel, with the consent of the government, and moves this Court to extend the time for the filing of defendant’s post-hearing memorandum, allowed by this Court [DE 305], for one day, to and including 1 April 2013. This additional time is necessitated by technical difficulty the undersigned experienced on 29 March 2013 in scanning and filing this memorandum. In further support of this request, defendant shows the following:

1. This matter is before the Court on remand from the United States Court of Appeals for the Fourth Circuit for determination of defendant’s motion to vacate under 28 U.S.C. § 2255, a determination of the issues in the motion that must be assessed on the basis of the “evidence as a whole” under 28 U.S.C. § 2255(h)(1). *United States v. MacDonald*, 641 F.3d 596, 610-17 (4<sup>th</sup> Cir. 2011). This Court conducted a hearing from September 17 through September 25. This Court extended the time for filing defendant’s post-hearing

memorandum to 29 March 2013.

2. The undersigned was finalizing and scanning the memorandum on March 29. His office was closed due to a state holiday. The undersigned had technical difficulty with office equipment and was unable to complete and scan the memorandum. No one was available to assist with the technical difficulties. He immediately notified opposing counsel. The memorandum has been filed with this Court today.

3. The undersigned has contacted opposing counsel, First Assistant United States attorney John S. Bruce who has consented to an extension of one business day to file the memorandum.

4. Based on these considerations, defendant respectfully requests that the time for filing his post-hearing supplemental memorandum be extended to 1 April 2013. A proposed order is attached.

WHEREFORE, Jeffrey R. MacDonald respectfully requests that this Court extend the time for filing of his post-hearing memorandum to 1 April 2013.

This the 1<sup>st</sup> day of April, 2013.

**RUDOLF WIDENHOUSE & FIALKO**

/s/ M. Gordon Widenhouse, Jr.

N.C. State Bar #10107

312 West Franklin Street

Chapel Hill, NC 27516

Telephone: 919-967-4900

Telefax: 919-967-4953

Email: [mgwidenhouse@rwf-law.com](mailto:mgwidenhouse@rwf-law.com)

Attorney for Jeffrey R. MacDonald

**CERTIFICATE OF SERVICE**

I hereby certify that on 1 April 2013, I electronically filed the foregoing Unopposed Motion for One Day Extension of Time to File Defendant's Post-Hearing Memorandum with the Clerk of Court using the CM/ECF system which will send notification of such filing to counsel of record in this matter.

**RUDOLF WIDENHOUSE & FIALKO**

/s/ M. Gordon Widenhouse, Jr.\_\_\_\_\_

N.C. State Bar #10107

312 West Franklin Street

Chapel Hill, NC 27516

Telephone: 919-967-4900

Telefax: 919-967-4953

Email: [mgwidenhouse@rwf-law.com](mailto:mgwidenhouse@rwf-law.com)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
3:75-CR-26-3  
5:06-CV-24-F

---

UNITED STATES OF AMERICA )  
 )  
 v. )  
 ) **ORDER**  
 JEFFREY R. MacDONALD, )  
 Defendant )  

---

The matter is before the Court on defendant's Unopposed Motion for A One Day Extension of Time to File Defendant's Post-Hearing Memorandum, currently due on 29 March 2013. The government has consented to the motion. The requested extension of time is reasonable and justified. Therefore, for good cause shown, the motion is ALLOWED. The defendant shall file his post-hearing memorandum on or before 1 April 2013.

This the \_\_\_ day of April, 2013.

---

JAMES C. FOX  
Senior United States District Judge