

IN THE
UNITED STATES COURT OF APPEALS
FIRST CIRCUIT

CARL ERIC OLSEN,	*	
in propria persona,	*	
	*	
Petitioner-Appellant,	*	07-1883
	*	
v.	*	
	*	
UNITED STATES,	*	
	*	Motion for Indefinite Extension of
Respondent-Appellee.	*	Time and Request for Judicial Notice

**MOTION FOR INDEFINITE EXTENSION OF TIME
AND REQUEST FOR JUDICIAL NOTICE**

Pursuant to the Court's Order of September 19, 2007, requiring that the Petitioner pay the filing fee by September 28, 2007, the Petitioner requests an indefinite extension of time in which to pay the filing fee. Good cause exists for this motion.

On September 21, the Petitioner filed a motion to extend the time for paying the filing fee to October 29, 2007. This Court has not ruled on that motion.

On September 21, the Petitioner filed a motion for reconsideration of the orders requiring the Petitioner to submit a memorandum in support of an application for certificate of appealability. This Court has not ruled on that motion.

An identical motion for reconsideration was filed in the United States Court of Appeals for the Eighth Circuit in the appeal of Thomas F. Brown, No. 07-3268 (See attached copy of "Request for Reconsideration" filed on October 12, 2007). On October 19, 2007, the United States Court of Appeals for the Eighth Circuit granted Tom Brown's request for reconsideration, establishing precedent which this Court should follow (See attached copy of "Order" filed on October 19, 2007).

The Petitioner has filed a Petition Writ of Mandamus, No. 07-2310, with this Court to compel the United States District Court for the District of Maine to rule on his Petition for Writ of Error Coram Nobis under the correct statutes, 28 U.S.C. § 1651 and 28 U.S.C. § 2241, under which it was originally filed. This Court has not ruled on that Petition. If this Court grants the Petition for Writ of Mandamus, this appeal will become moot.

28 U.S.C. § 2255 is not the statute under which the original Petition for Writ of Error Coram Nobis was filed with the United States District Court. It is unlawful for this Court to perpetuate the error of the District Court by continuing to proceed under 28 U.S.C. § 2255.

In the interest of justice, the Petitioner now requests that his motion for indefinite extension of time be granted in order to resolve the issue of the motion for reconsideration of the orders requiring the Petitioner to file a memorandum in support of an application for certificate of appealability and the Petition for Writ of Mandamus which may render the current appeal moot.

Respectfully submitted this 29th day of October, 2007.

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515-288-5798
IN PROPRIA PERSONA

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion for indefinite extension of time to pay the filing fee was mailed by first class mail on this 29th day of October, 2007 to the following respondent:

MARGARET D. MCGAUGHEY
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