

Jury 81-1, 697 F.2d 112, 113 (4th Cir. 1982) (fugitive from justice allowed to reinstate appeal if he surrenders himself to federal custody before the expiration of thirty days from date of order); [REDACTED], 615 F.2d 1077, 1080 (5th Cir. 1980) (court has discretion to give escapee time to surrender before it terminates his appeal); United States v. Freelove, 816 F.2d 479, 480 (9th Cir. 1987); Brinlee v. United States, 483 F.2d 925 (8th Cir. 1973); United States v. Swigart, 490 F.2d 914 (10th Cir. 1973); and United States v. Tremont, 438 F.2d 1202 (1st Cir. 1971).

WHEREFORE, the Appellant respectfully requests the Court either to deny the Government's motion or to take no action upon the Government's Motion to Dismiss Appeal for 30-60 days.

Respectfully submitted this the _____ day of December, 2010.

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CERTIFICATE OF SERVICE

I certify that I have served the foregoing Motion to Rescind Briefing Order by United States mail or by hand delivery upon:

Mr. Mike DeFranco
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Post Office Box 1858
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This the — day of December, 2010.

WILLIAM S. TRIVETTE
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