

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA)

2018 OCT -9 P 12:45

v.)

) **Crim No. 1:16-cr-068 WES**

) Civil No. 1:15-cv-191-WES

PATRICK CHURCHVILLE)

**MOTION FOR EXTENSION OF TIME TO FILE REPLY TO MOTION TO MODIFY
THE RESTRAINING ORDER TO RELEASE ASSETS FOR
THE DEFENSE OF THE RELATED CRIMINAL CASE**

COMES the Petitioner-Appellant, PATRICK CHURCHVILLE (“Churchville”), appearing *pro se*, and moves the Court for an extension of time to file Reply to Response in Opposition to Motion to Modify the Restraining Order to Release Assets for the Defense of the Related Criminal Case (“Motion to Modify Restraining Order”) as follows:

I. Preliminary Statement

As a preliminary matter, Churchville respectfully requests that this Court be mindful that *pro se* pleadings are to be construed liberally. See *Voravongsa v. Wall*, 349 F.3d 1 (1st Cir. 2003); *Estelle v. Gamble*, 429 U.S. 97,106 (1976) (same); and *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (same).

II. Relevant Background

On September 20, 2018, Motion to Modify Restraining Order, to release assets for the defense of the related criminal case . See CvDoc. 123.¹

On October 3, 2018, the Securities and Exchange Commission (“SEC”), through its attorney filed a Response in Opposition to Churchville’s Motion to Modify Restraining Order (“Response in Opposition”), setting the replies to be due by October 10, 2018. See CvDoc. 125.

¹
“CvDoc.” refers to the Docket Report in the United States District Court for the District of Rhode Island, Providence Division in Civil No. 1:15-cv-00191-WES-LDA, which is immediately followed by the Docket Entry Number.

II. Request

With regard to this request for extension, Churchville states that:

1. The FCI Berlin compound has been on lockdown and Churchville has not received a copy of the SEC's Response in Opposition;
2. Churchville needs an extension to file a Reply to Response in Opposition as this is a complex case and Churchville is *pro se*;
3. Respondents have unlimited resources to argue their claims where Churchville has very limited, barely any, resources needed to prepare his replies. The claims involve questions so intricate, so delicate and so important to analysis that a reply cannot be compressed into a brief in 5 days without yielding to what would be a dangerous degree of oversimplification.
4. This motion is made in good faith, not for purposes of delay, and because Churchville is incarcerated, there will be no prejudice to the Respondent in granting this request for an extension of time.

IMPORTANT: It is essential to note that Churchville's Motion to Modify Restraining Order should have been docketed in the his Criminal Case [No. 1:16-cr-00068-WES-LDA-1] and NOT on the Securities Fraud Civil Docket [No. Civil No. 1:15-cv-191-WES] as the Court should rule on the seized assets.

Based on the above, Churchville respectfully requests a thirty (30) day extension to file a Reply to Response in Opposition to Motion to Modify Restraining Order.

WHEREFORE, Churchville prays that this motion be, in all things granted and that the Court grant an extension of time to file his Reply to Response in Opposition to Motion to Modify Restraining.

Respectfully submitted,

Dated: October 9, 2018

PATRICK CHURCHVILLE
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Appearing *Pro Se*

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2018, a true and correct copy of the above and foregoing Motion for Extension of Time to File a Reply to Response in Opposition to Motion to Modify the Restraining Order to Release Assets for the Defense of the Related Criminal Case was sent via U. S. Mail, postage prepaid, to Marc J. Jones / Plaintiff Counsel at United States Securities and Exchange Commission, 33 Arch Street, Boston, MA 02110, and Stephen F. Del Sesto / Receiver, Pierce Atwood LLP at One Financial Plaza, 26th Floor, Providence, RI 02903.

PATRICK CHURCHVILLE