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Chief Justice John G. Roberts, Jr.
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

January 12, 2019

Re: Klein v. United States, # 18-6949

Request to Extend Time from January 28, 2019 to March 15, 2019
for time Allotted in January 7, 2019 Order of this Court and for incorporation of
'new' November 16, 2018 Second Circuit Order
(for which time extension incorporated in request herein)

Dear Chief Justice Roberts:

I am Pro Se and just received the above January 7, 2019 Order. I have already have taken initial steps to comply with the underlying substance of it (i.e., contacted Printers).

But I have another 2nd Circuit Order from November 16, 2018, copy attached. This new Order involves since the collateral issues were claimed to be barred by the direct appeal to recall that Mandate so as to clarify that those issues were not and also to try to appeal from a District Court Order wherein I had just recently located CFTC v. Probber, 504 F. Supp. 1154 (SDNY 1981) and believed it showed gross "ineffectiveness of Counsel" not to use its contents for me at trial [which Counsel couldn't do because it never looked for nor found that case]. The scope of Order issue is at least involved in these proceedings. CFTC v. Probber is already mentioned in my Petition as factual historical background regarding co-defendant-Client, Probber. But it also seems apt to use it as part of the need for relief. By rule I would have until February 14, 2019 to file a Petition Certiorari on that Order. But \ with all the other work I have to do and to try to coordinate [would like to put all matters into just one Petition] and comply with the substance of the 1/7/19 Order above I request until March 15, 2019 to get all of that done.

I was employed by the 2nd Circuit as both Law Assistant and Deputy Clerk for 4 years (1981-1985). Their equating me with Martin Trigona (which they have been since my very next proceeding after their own Remand in my favor in the Sec. 2255 case) does not to me seem apt. I worked on Trigona's 1984 appeal when I was employed by the Second Circuit. In short he sued everybody in civil cases frivolously for publicity. I am just trying to get through a Prosecution against me and if I happened to do so it it could benefit people besides myself. For example if we establish procedures for what to do when Arraignment Counsel makes a "Limited Appearance" that could be a good thing so Defendants aren't left to be Pro Se by default. If we find Criminal Defense Attorneys should learn the basic facts of their case and should submit the simple truth for a defense when that would prevail that could be a good thing too. Respectfully,
Acc: November 16, 2018 2nd Circuit Order

Eric A. Klein 

cc: Noel Francisco, Solicitor General.
U.S. Circuit Judge Jon O. Newman.

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S.D.N.Y.-N.Y.C.
03-cr-813
Sand, J.
Cote, J.
09-cv-10048
Crotty, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of November, two thousand eighteen.

United States of America,

Appellee,

v.

18-2006 (L)

Lloyd Probbler,

Defendant,

Eric A. Klein,

Defendant-Appellant.

Eric A. Klein,

Petitioner,

v.

18-2924 (Con)

United States of America,

Respondent.

The above matters are consolidated for purposes of this order.

In 2017, this Court entered a leave-to-file ~~suggestion~~ against Appellant. See *Klein v. United States*, 2d Cir. 17-3804, doc. 85. Appellant now moves for, inter alia, leave to file: (1) a motion to recall this Court's 2009 mandate affirming his judgment of conviction on direct appeal, and (2) an appeal of the district court's September 4, 2018 order denying his motion to vacate his conviction. Upon due consideration, it is hereby ORDERED that the motions are DENIED because the proposed motions to recall the 2009 mandate and the proposed new appeal do not depart from Appellant's ~~pattern of repetitive filings.~~ *In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

