Kemal Alexander Mericli
Office of the Attorney General
of Pennsylvania
1251 Waterfront Place,
Mezzanine Level
Pittsburgh, PA 15219-2489

October 17, 2018

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543-0001

Re: *Wishnefsky v Salameh et al*.
No.18-5626

Dear Mr. Harris:

This is an application by respondent, the Pennsylvania Department of Corrections, for an extension of time for thirty days to file a brief in opposition to the petition for certiorari in the above noted case. This respondent accordingly presents this application in the form of a letter to the Court, pursuant to the respective terms of Supreme Court Rule 15.3 and Supreme Court Rule 30.4.

The filing of the brief in opposition for this respondent is currently due in the Court on or before November 1, 2018, pursuant to the terms of the letter sent to the respondent on behalf of the Court, dated October 2, 2018, which requests a response to the petition for certiorari.

The requested extension, if granted, would extend the time for filing the brief in opposition to Monday, December 3, 2018, insofar as it is the first business day that follows the actual expiration of the period of thirty days that this application seeks on Saturday, December 1, 2018. *See*, Supreme Court Rule 15.3.

The need to make this application for an extension of time arises from the circumstance that counsel for this respondent had not anticipated that this

Court would direct this respondent to file a brief in opposition to the petition for certiorari in this case. Accordingly, the undersigned counsel for respondent has become engaged in a variety of other professional commitments, and similar matters in the courts, that relate to the work of the Office of the Attorney General of Pennsylvania that also present deadlines that fall during the period ending on November 1, 2018, or shortly thereafter. Consequently, said counsel regrettably considers that he cannot meet those obligations and nevertheless be able to prepare an appropriate brief in opposition for the consideration of the Court for filing by November 1, 2018.

Petitioner is a prisoner who is acting *pro se*. Therefore, respondent's counsel did not attempt to contact him in order to solicit his consent to this request. Respondent considers that this action would be highly inappropriate under the circumstances. Respondent does not seek this extension, however, in order to prejudice the petitioner, nor, this respondent submits, will it in fact do so in any ascertainable material way, if granted. Furthermore, it is notable that, when petitioner sought an extension of time to file his petition for certiorari in this case, respondent took no action to oppose it and the Court granted his request.

Pursuant to Supreme Court Rule 30.4, respondent is filing an accompanying proof of service upon the petitioner of this application.

Thank you for your consideration in this matter.

Very truly yours,

/s/Kemal Alexander Mericli

Senior Deputy Attorney General

**No. 18-5626**

Bruce Wishnefsky,
Petitioner,

v.

Jawad Salameh, *et al*.,
Respondents.

**PROOF OF SERVICE**

I, Kemal Alexander Mericli, hereby certify that I am a member of the Bar of this Honorable Court; that I am currently counsel of record in this Court for the respondent, the Pennsylvania Department of Corrections and one of its attorneys in this action; and that all parties required to have been served with this respondent's letter application for an extension of time have been served by First Class U.S. Mail, postage prepaid, as follows[1]:

Bruce L. Wishnefsky
# DQ 4829
State Correctional Institution-Laurel Highlands
5706 Glades Pike
Somerset, PA 15501-0631
**PETITIONER (PRO SE)**

Samuel Hood Foreman
WEBER GALLAGHER SIMPSON
Four PPG Place, Fifth Floor
Pittsburgh, PA 15222
**COUNSEL FOR RESPONDENT - JAWAD SALAMEH, M.D.**

**DATE:** October 17, 2018

[1] Service on the petitioner, who is an inmate of the Pennsylvania Department of Corrections, is required to be made pursuant to a 2018 change in policy by the Department on inmate mail delivery: all mail (except for that from a court on an inmate's attorney) is processed through a vendor in Florida who then delivers the mail to the inmate in a safe and secure way. The above inmate, the petitioner, has accordingly been served by First Class Mail at the Department's Inmate Mail System, P.O. Box 33038, St. Petersburg, FL 33733.

/s/ Kemal Alexander Mericli
Senior Deputy Attorney General