

No. _____

**In the Supreme Court
of the United States**

JASON EDWARD RHEINSTEIN,
Petitioner,

v.

**ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND,**
Respondent.

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

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Petitioner Pro Se

June 7, 2019

To the Honorable Chief Justice John G. Roberts, Jr., as Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Petitioner, Jason Edward Rheinstein, pursuant to Supreme Court Rule 13.5, respectfully requests a 45-day extension of time, to and including July 25, 2019, to file a petition for writ of certiorari. In support of this application, Petitioner states as follows:

1. The United States Court of Appeals for the Fourth Circuit issued its panel decision on February 5, 2019. The decision is attached hereto as **Exhibit 1**. Petitioner timely filed a petition for panel rehearing or rehearing en banc, and the Fourth Circuit denied that petition on March 11, 2019. That decision is also attached as **Exhibit 2**. Absent an extension of time, the petition for writ of certiorari would therefore be due on Monday, June 10, 2019. Petitioner files this application within 10 days of the petition due date because, over the past several weeks, Petitioner and Respondent had been in what Petitioner believed to be promising settlement negotiations that would have resulted in the resolution of the case and eliminated the need to file a petition. On Wednesday, June 5, 2019, within the final ten-day period before the petition due date, those negotiations ceased without

resolution of the case. Petitioner has limited resources and is preparing and financing the production of the petition on his own. Petitioner needs additional time to complete the petition and raise the more than \$4,000 necessary to hire a commercial printer to produce the petition in accordance with the requirements of Rule 33.1.

2. The Court to which certiorari would be directed is the United States Court of Appeals for the Fourth Circuit. This Court would have jurisdiction to review the judgment of the United States Court of Appeals for the Fourth Circuit under 28 U.S.C. §1254.

3. The primary issue to be presented by the petition is the subject of a circuit split, and therefore, may be considered to be a question of exceptional importance.¹ *See e.g.*, Fed. R. App. P. 35(b)(1)(B). Because the case presents a question that is the subject of a circuit split, it is in the public interest to grant the extension as to

¹ The issue is whether once an appeal of a remand “order” has been explicitly authorized by 28 U.S.C. §1447(d), the court of appeals has jurisdiction to review the entire order and all of the legal issues entailed in the decision to remand, as the majority of circuits to consider the issue had previously held, or whether the court of appeals’ jurisdiction to review a remand order is limited to a specific portion of that order as the Fourth Circuit held in this case.

ensure that this Court has the opportunity to consider whether to undertake review and resolve a circuit split on an issue that is likely to recur in future cases. *See e.g.*, Comments to Fed. R. App. P. 35 (“Intercircuit conflicts create problems. When the circuits construe the same federal law differently, parties’ rights and duties depend upon where a case is litigated...”).

4. As noted *supra*, the requested 45-day extension is necessary for Petitioner to complete his petition and finance its production. No meaningful prejudice will result to the Respondent or anyone else if the Court grants the requested extension. By contrast, the Petitioner would be severely prejudiced if he is denied the opportunity to present his petition to this Court.

CONCLUSION

For the reasons set forth herein, Petitioner respectfully requests a 45-day extension of time, to and including July 25, 2019, to file a petition for writ of certiorari.

Dated: June 7, 2019

Respectfully submitted,



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