

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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David BRENNAN  
Petitioner

vs.

WHITE COUNTY, ARKANSAS  
Respondent

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On Petition for Writ of Certiorari  
to the Arkansas Court of Appeals

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VERIFIED APPLICATION TO THE HONORABLE  
NEIL M. GORSUCH, ASSOCIATE JUSTICE, FOR  
EXTENSION OF TIME IN WHICH TO FILE A PETITION  
FOR WRIT OF CERTIORARI

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*pro se*

Comes now Petitioner, David Brennan, for himself, and for his Application for Extension of Time in Which to file a Petition for Writ of Certiorari, states:

1. Petitioner declares, under penalty of perjury, that the statements made in this Application are true and correct.

2. This Application is not made for the purpose of delay or to compensate for any irresponsibility or neglect on the part of Petitioner. The need for the requested extension is the result entirely of extraordinary circumstances and events beyond Petitioner's control.

3. Petitioner has been in communication with Colin Jorgensen, counsel for Respondent, and said counsel does not oppose this application.

4. Jurisdiction is conferred on this Court by 28 U.S.C. § 1257(a). Petitioner seeks review of the final opinion of the highest Arkansas court in which a decision could be had. The case presents novel substantive due process challenges to Arkansas' local option law and White County's prohibition ordinance adopted thereunder. The Arkansas Court of Appeals has decided important federal questions regarding local option alcohol regulation which should be decided by this court. The petition presents three very important questions concerning the constitutionality of local option laws, including whether local option laws which are ineffective at curtailing alcohol consumption and actually cost innocent lives by increasing the DWI fatality rate have a truly *rational* basis, whether those laws acquire an unconstitutional irrationality when a state enacts subsequent legislation

which effectively nullifies the local option, and whether local option laws are mere artifices for the imposition of the local majority morality on those whose conduct does not harm others.

5. The Arkansas Court of Appeals opinion for which Petitioner seeks review was delivered on March 6, 2019. That court denied Petitioner's petition for rehearing on April 3, 2019. The Supreme Court of Arkansas denied Petitioner's petition for review, with one Justice voting to grant, on May 23, 2019. The Arkansas Court of Appeals opinion, the letter order denying rehearing, and the letter order denying review by the Supreme Court of Arkansas are attached hereto.

6. Petitioner delivered, in electronic form, his completed Petition for Writ of Certiorari as a PDF file, formatted to comply in all respects with Rule 33.1, to the printer on August 12, 2019, with the expectation that printing would be completed by August 16. The printer delayed, and the printing was not completed until August 20.

7. The printed petition did not reflect Petitioner's correct formatting and did not comply with Rule 33.1. The printer is unable to correctly print and trim the petition. Petitioner could not accept the work and could not in good faith submit a petition he was fully aware did not comply with Rule 33.1, even though doing so would have resulted in an effective extension of time due to the application of Rule 14.2. Petitioner simply could not knowingly submit a noncompliant petition.

8. Petitioner was unable to quickly locate a printer that could guarantee

production of a printed petition in time to make a timely submission to this Court, and his search was terminated when he suffered a medical emergency that resulted in his transportation via ambulance and hospitalization.

9. Released from the hospital, Petitioner has found a printer that can guarantee correct printing accurately reflecting the formatting of the PDF file he provides them; however, due to high business volume, that printer has a 10-15 day turn-around time.

10. It is, therefore, in the interest of justice, that an extension of time of 15 days from date of the order granting this Application be given.

Wherefore, Petitioner respectfully requests that the Honorable Justice grant his Application for Extension of Time in Which to File a Petition for Writ of Certiorari, extending the time to 15 days from the date of the order granting this Application.

Respectfully submitted,



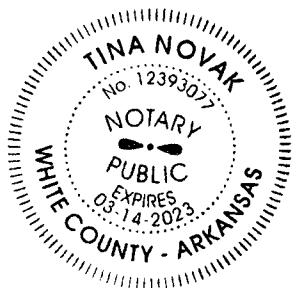
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## VERIFICATION

STATE OF ARKANSAS )  
                         )ss.  
COUNTY OF WHITE    )

On this day personally appeared before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, David Brennan, to me well known or satisfactorily proven, and acknowledged that he had executed the foregoing Application for Extension of Time in Which to File a Petition for Writ of Certiorari.

WITNESS my hand and seal as such Notary Public this 21<sup>st</sup> day of August, 2019.



Tina Novak  
Notary Public