

IN THE
SUPREME COURT OF THE UNITED STATES

No. A _____

Marvin Gerber,

Petitioner,

v.

Henry Herskovitz, Gloria Harb, Tom Saffold, Rudy List, Chris Mark,
Deir Yassin Remembered, Inc., Jewish Witnesses for Peace and
Friends, The City of Ann Arbor, Ann Arbor Mayor Christopher Taylor,
in his official and individual capacities, Ann Arbor Community
Services Administrator Derek Delacourt, in his official and individual
capacities, Ann Arbor City Attorney Stephen Postema, in his official
and individual capacities, and Senior Assistant City Attorney Kristen
Larcom, in her official and individual capacities, jointly and severally,

Respondents.

**APPLICATION TO THE HON. BRETT KAVANAUGH
APPLICATION TO EXTEND TIME TO FILE PETITION FOR
WRIT OF CERTIORARI**

Pursuant to Rule 13(5) of the Rules of this Court, petitioner Marvin Gerber hereby applies by undersigned counsel for an extension of time of 60 days, to and including April 1, 2022, within which to file a petition for a writ of certiorari to review the judgment of the Court of Appeals for the Sixth Circuit in *Gerber v. Herskovitz*, 14 F.4th 500 (6th Cir. 2021), attached as Appendix A, denial of petition for rehearing and rehearing *en banc* attached as Appendix B.

1. The Court of Appeals' decision was issued on September 15, 2021. A timely petition for rehearing and rehearing en banc was denied on November 2, 2021.

2. Unless extended, the time for filing a Petition for a Writ of Certiorari will expire on January 31, 2022.

3. This Court has jurisdiction to review the decision of the Court of Appeals under 28 U.S.C. § 1254(1).

4. Because of limitations resulting from the Covid pandemic and counsel's duty to prepare and file briefs in the Court of Appeals for the Fourth Circuit, the Court of Appeals for the D.C. Circuit, and the Court of Appeals for the Second Circuit, undersigned counsel will not be able to prepare the Petition for Writ of Certiorari in this case within the time prescribed by Rule 13(1) of the Rules of this Court.

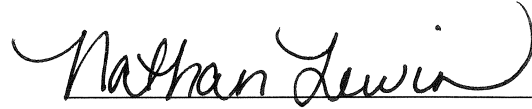
5. Counsel's commitments necessitate his request for a 60-day extension for the filing of a Petition for a Writ of Certiorari in this case.

6. The Court of Appeals' decision directs dismissal of the complaint. Hence review of that decision results in no prejudice to the respondents.

7. In light of the Court's usual schedule, argument and decision on this case would not, in any event, occur during the 2021 Term of Court. An extension of time will not substantially delay resolution of the constitutional and federal statutory issues to be presented.

For the foregoing reasons, petitioner Marvin Gerber requests that the time within which to file a Petition for a Writ of Certiorari be extended to April 1, 2022.

Respectfully submitted,

A handwritten signature in black ink that reads "Nathan Lewin". The signature is written in a cursive style with a large, sweeping flourish at the end.

Nathan Lewin, Esq.
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Dated: January 12, 2022