

No. 21-5726

IN THE
SUPREME COURT OF THE UNITED STATES

DEXTER EARL KEMP,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE TO DISPENSE
WITH PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of this Court, Petitioner respectfully seeks leave to dispense with the requirement of a joint appendix in this case. Respondent, the United States of America, agrees that a joint appendix is unnecessary.

The question presented is a question of law: whether Federal Rule of Civil Procedure 60(b)(1) authorizes relief from final judgment based on a district court's error of law. The opinion of the United States Court of Appeals for the Eleventh Circuit and the opinion of the United States District Court for the Southern District of Florida are included in the appendix to the petition for a writ of certiorari.

The parties do not believe that any other portion of the record merits special attention that warrants the preparation and expense of a joint appendix. Accordingly, a separate joint appendix would not materially assist in the Court's consideration of the case.

For the foregoing reasons, Petitioner respectfully requests that the motion to dispense with the requirement of a joint appendix be granted.

Respectfully submitted,

MICHAEL CARUSO
Federal Public Defender

/s/ Andrew L. Adler

Andrew L. Adler

Counsel of Record

Assistant Federal Public Defender

1 E. Broward Blvd., Suite 1100

Ft. Lauderdale, FL 33301

(954) 356-7436

Andrew_Adler@fd.org

February 4th, 2022