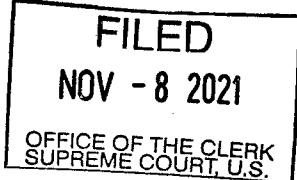


21A148

ORIGINAL

November 8, 2021

Clerk of the Court
U.S. Supreme Court
1 First St, N.E.
Washington, DC 20543



Attention: Associate Justice Kavanaugh

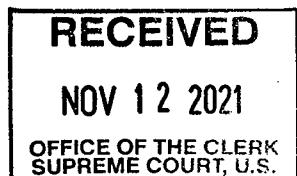
Subject: Request for an extension of time to file petition for writ of certiorari in Carson v. Merit Systems Protection Board, Docket no. 2020-3459, U.S. Court of Appeals for the Sixth Circuit.

Dear Associate Justice Kavanaugh,

I respectfully request a 60 day extension of time to file a petition for certiorari of the Court's Order of September 9, 2021 and its underlying decision of May 17, 2021. My writ is currently due by December 8, 2021, this extension would be through February 7, 2022. I understand that if the Office of Solicitor General objects to this request, it will notify the Court.

My reasons for seeking this extension are to locate an attorney to represent me as well as one or more amicus curiae to file a supporting brief for petition for certiorari.

My petition may be of interest to parties that regularly engage in adjudications conducted in Executive Branch agencies - I seek the Supreme Court to determine that its precedent in *Liteky et al. v. United States*, 510 S.Ct. 540

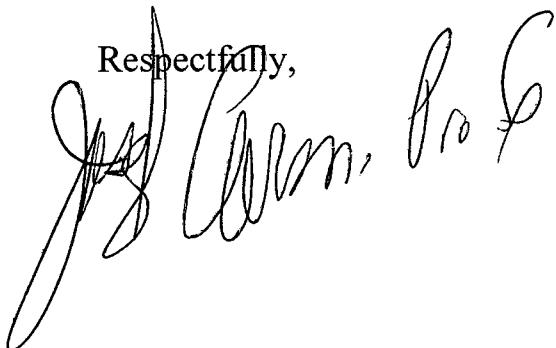


(1994), specifically its determination about the non-discretionary recusal requirements of 28 U.S.C. §455(b)(2) - (5), apply to adjudications conducted by Executive Branch Agencies, including those conducted by (or by the delegated authority of) the Senate-Confirmed members of the U.S. Merit Systems Protection Board (MSPB) per 5 U.S.C. §§1204(a)(1) and 7701(b)(1).

I also hope, given existing decisions of both the MSPB and its reviewing Court, the US Court of Appeals for the Federal Circuit, that the recusal requirements of 28 U.S.C. section 455 do apply at MSPB, that if the current nominees for the MSPB are confirmed by the Senate (MSPB has lacked a quorum for over four years and has lacked any Senate Confirmed member for over two years), they may decide to resolve the case by vacating the underlying MSPB decision and, per its regulations at 5 C.F.R. section 1201.13 (which apply when one or more members of the MSPB have a conflict of interest or appearance of one), assign the appeal to an Administrative Law Judge (ALJ). In the alternative, they may request the Solicitor General file a brief of acquiescence.

A copy of the decision of May 17, 2021 and Order of September 9, 2021 are attached.

Respectfully,

A handwritten signature in black ink, appearing to read "James W. Foy".

Joseph Carson, Pro Se
10953 Twin Harbour Dr
Knoxville, TN 37934
865-300-5831