

JAN 03 2022

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THE SUPREME COURT OF THE UNITED STATES

Philip Jay Fetner,  
Petitioner

v.

Kevin R. McCarthy,  
Respondent

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UNITED STATES COURT OF APPEALS  
For the Fourth Circuit

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No. 20-2209  
(1:20-cv-00316-AJT-MSN)

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In re: Philip Jay Fetner,  
Debtor.

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Philip Jay Fetner,  
Debtor-Appellant,

v.

Kevin R. McCarthy  
Trustee-Appellee.

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EXPEDITED (EMERGENCY) MOTION  
FOR EXTENSION OF TIME TO FILE  
PETITION FOR A WRIT OF CERTIORARI

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Philip Jay Fetner  
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The Plains, Virginia 20198  
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(540) 222-9693  
Petitioner *Pro Se*

January 3, 2022

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SUPREME COURT, U.S.

COMES NOW the Appellant-Petitioner in this Matter to file an expedited motion for a brief extension of time to file this petition for a writ of Certiorari.

Appellant-Petitioner's application for certiorari is due Monday, January 3. Appellant-Petitioner believes that this case and the issue presented here is of exceptional importance to the administration of law in this jurisdiction. Appellant-Petitioner is appearing *pro se* and has been working diligently through the holiday and religious observances to submit his brief for consideration. Appellant-Petitioner had made arrangements with a printer to prepare the Appendix over the weekend of January 1-2, 2022 and an expedited printing and submission on January 3. Unfortunately, on December 31, 2021 Appellant-Petitioner's wife (life partner) tested positive for Covid-19 and Appellant-Petitioner spent the entire weekend, including December 31, securing doctor assistance, a prescription for Paxlovid, and the medicine required, as well as tend to his wife, who was very sick with symptoms. Appellant-Petitioner also has relevant symptoms and must be tested as soon as possible. The parties live in close proximity and are quarantining together. Both parties are 79 years of age but have no known co-morbidities.

Appellant-Petitioner realizes that an extension of time for filing the brief and petition for certiorari is not favored and shall only be moved in the most extraordinary and exigent circumstances. Appellant-Petitioner believes that these circumstances warrant such consideration and asks this Honorable Court for an extension of three weeks to file the petition for certiorari in this matter.

Respectfully Submitted,

/s/

P. Jay Fetner

Appellant-Petitioner

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### **ADDENDUM**

This Addendum is attached to the original application for an extension of time within which to file a petition for a writ of certiorari in Fetner v. McCarthy, pursuant to instructions of January 7, 2022 received from the Clerk of the Supreme Court appended hereto (Exhibit A).

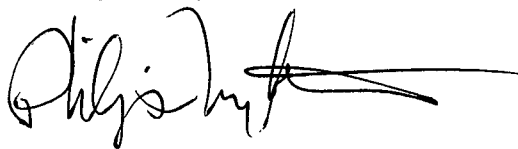
### **Lower Court Opinion (Rule 13.5)**

The Order of the U.S. Fourth Circuit Court of Appeals denying the appellant-petitioner's motion for rehearing/hearing *en banc*, dated October 5, 2021 is appended hereto as Exhibit B. This opinion determines the timeliness of petitioner's application for an extension of time. The letter from the Clerk (Exhibit A) indicates that the application was received January 3, 2022.

### **Additional Time Requested (Rule 13.5)**

Petitioner requests an extension of three weeks from the date approving this application, should this application be approved, or February 22, 2022, whichever date is later. The original application sought three weeks.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Philip Jay Fetner", with a long horizontal flourish extending to the right.

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