

EXECUTED

THE SUPREME COURT OF THE UNITED STATES

Philip Jay Fetner,  
Petitioner

v.  
Kevin R. McCarthy, Trustee  
and  
Wilmington Savings Fund Society, c/o Shellpoint Mtg Servicing,  
Respondents.

Supreme Court, U.S.

FILED

FEB 16 2022

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH DISTRICT

No. 21-1629  
(1:20-cv-01408-AJT-MSN)

In re: Philip Jay Fetner,  
Debtor,

Philip Jay Fetner,  
Debtor-Appellant,

v.

Kevin R. McCarthy,  
Trustee-Appellee,  
and

Wilmington Savings Fund Society, c/o Shellpoint Mtg Servicing,  
Defendant-Appellee.

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

February 16, 2022

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Petitioner *Pro Se*

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SUPREME COURT, U.S.

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

Appellant-Petitioner's application for certiorari is due Thursday, February 17. The relevant final order of the U.S. Fourth Circuit Court of Appeals affirming the judgment of the district court's order was rendered November 19, 2021 and is attached hereto as Exhibit A as required by Rule 13.5. This opinion determines the timeliness of petitioner's application for an extension of time.

Appellant-Petitioner believes that this case and the issues presented therein are of exceptional importance to the administration of law in this jurisdiction. Appellant-Petitioner is appearing *pro se* and had been working diligently through the holidays and religious observances of late 2021 to submit his brief for consideration. Unfortunately, on December 31, 2021, Appellant-Petitioner's wife (life partner) tested positive for Covid-19, and Appellant-Petitioner spent several weeks securing doctor assistance, a prescription for Paxlovid, and other medicine required, as well as tend to his wife, who was very sick with symptoms. Appellant-Petitioner also had relevant symptoms and was tested as soon as possible. The parties live in close proximity and quarantined together. Both parties are 79 years of age but have no known comorbidities. As it turned out, Appellant-Petitioner tested negative for Covid-19.

As (bad) luck would have it, when Appellant-Petitioner was emerging from this Covid-threatened environment and preparing to make arrangements with a printer to prepare the appendix and an expedited printing and submission of his brief on February 17, 2022,<sup>1</sup> Appellant-Petitioner suffered at the end of January a pinched

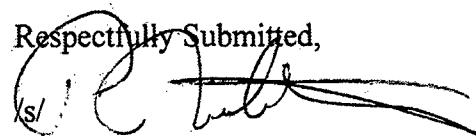
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<sup>1</sup> Appellant previously applied for an extension of time to file an earlier writ of certiorari in Court of Appeals for the Fourth Circuit matter No. 20-2209. The Chief Justice approved a brief extension to February 22, 2022, which date Appellant-Petitioner intends to meet.

nerve in his neck. The ensuing pain in his neck, shoulder, and back has made writing and attention impossible. Furthermore, medication also caused blurred vision in the Appellant-Petitioner, making extended work impossible. Appellant-Petitioner is now receiving chiropractic care and expects to recover fully in due course. A great deal of legal work has already been accomplished, and Petitioner believes that a modest three-week extension here is sufficient. Such a brief extension will not legally prejudice appellees nor unduly burden this Honorable Court.

Appellant-Petitioner realizes that an extension of time for filing the brief and petition for certiorari is not favored and should only be moved in the most extraordinary and exigent circumstances. Appellant-Petitioner believed these circumstances warrant such consideration, and asks this Honorable Court for an extension to March 11, 2022 or three weeks from the date approving this application, should the application be approved, whichever date is later, to file the petition for certiorari in this matter.

Respectfully Submitted,

  
s/

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