

No. 21A592

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD ARNOLD, ET AL,

Petitioners

v.

SECRETARY OF THE NAVY, ET AL.

Respondents

On Application for a Second Extension of Time for Medical
Reasons to File a Petition for a Writ of Certiorari to the
United States Court of Appeals for the District of Columbia

PETITIONERS' APPLICATION TO EXTEND THE TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI

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To the Honorable Justice Clarence Thomas, as Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit in this application:

This second application to extend the time to file Petitioners' petition for a writ of certiorari is necessitated by Counsel's unexpected but necessary surgical procedure scheduled for May 9, 2022, the expected time to recover and the combined impact of postponing other legal duties, activities and obligations until after recovery.

On April 8, 2022, pursuant to this Court's Rules 13.5, 22, 30.2 and 30.3, Petitioners electronically filed their application for a 60 day extension to their petition for certiorari filing date from April 19, 2022, to June 20, 2022. Petitioners presented their application for an extension to the Hon. Chief Justice John Roberts. The application was docketed as Application 21A592 on April 11, 2022. The Chief Justice presented Petitioners' application to Justice Thomas, who on April 12, 2022, extended the time to file a petition for 30 days, to and including May 19, 2022.

Subsequently, in response to manifestations of changes in Counsel's health that suggested medical consultation was appropriate and wise, he visited his urologist on April 20, 2022. Counsel's urologist found a condition that will require a surgical procedure under anesthesia and subsequently scheduled it for May 9, 2022.

The surgeon's office said the normal recovery time was about two weeks, which is well after Petitioners' petition for certiorari is to be filed. Counsel is 80 years old, and while he believes he is in good shape, he does not expect his recovery to be as fast as those who usually make up "normal recovery." There is no absolute

date or time for recovery that can be predicted. The medical procedure will also postpone other legal activities and commitments involving medical issues related to his wife.

Accordingly, Petitioners request an additional 30 day extension from May 19, 2022, up to and including, Monday, June 20, 2022, the extension date originally requested. The 30 day extension should enable Counsel to recover, properly prepare the petition and manage the above cited delayed duties and address other issues cited in this and the original application.

The 150th day from the denial of Petitioner's request for an en banc hearing is Saturday, June 18, 2022; S. Ct. Rule 30 extends the filing date to Monday, June 20, 2022. as explained in the original application.

Petitioners are filing this Application more than 10 days prior to May 19, 2022, the current due date, in accordance with S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. § 1254(1).

Respondents suffer no prejudice with the grant of a 30 day extension.

CONCLUSION

A 30 day extension will resolve the unusual medical issue explained above that limits Counsel's ability to prepare a petition and its subsequent impact on his other duties. It is in the interest of justice to grant it.

Petitioners respectfully request the time to file a Petition for a Writ of Certiorari in this matter be extended 30 days, up to and including June 20, 2022.

Respectfully submitted,

May 3, 2022

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CERTIFICATE OF SERVICE

This is to certify that a copy of this application was served May 3, 2022, by email and over-night mail in accordance with Supreme Court Rule 22.2 and 29.3 to:

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