

IN THE  
SUPREME COURT OF THE UNITED STATES

ROBERT E. GIBEAULT, JR.  
petitioner  
  
VS.  
  
UNITED STATES OF AMERICA  
respondent

MOTION FOR EXTENSION OF TIME  
OF FILING UNDER THE RULES OF  
THE SUPREME COURT OF UNITED  
STATES OF AMERICA RULE 13 &  
RULE 30 - WRIT OF CERTIORARI

TO: ASSOCIATE JUSTICE HONORABLE SONYA  
SOTOMAYOR  
NO: DOCKET #20-1003 SECOND CIRCUIT OF  
THE UNITED STATES COURT OF APPEALS

In re: United States of America v. Robert E. Gibeault, Jr.

In denial of Fed. R. App. P. 40 Petition for Panel Rehearing January 21,  
2022 in the Second Circuit Court of Appeals, jurisdiction of The United States  
Supreme Court is proper under Rule 10(a) of this Court and is further invoked  
under 28 U.S.C. §1254(1).

The petitioner moves in pro se under good cause for an extension of time  
under Rule 13.5 of this Court. Good cause is justified under an extraordinary  
medical ground for loss of his vision, a serious affect of his faculties while  
under his petitioning time to file. This event seriously undermines a timely  
filing and his abilities to do so without additional relief. He needs an aide  
to file meaningful legal papers.

The petitioner requests that under Rule 13.5 of this Court, an extension  
of 60 days be granted to the petitioner under these circumstances to allow for  
his application of Writ of Certiorari under compelling grounds that petitioner  
may show as to call for exercise of this Court's supervisory powers.

DECLARATION OF ROBERT E. GIBEAULT, JR. IN SUPPORT OF A MOTION FOR AN EXTENSION  
OF TIME FOR FILING FOR A WRIT OF CERTIORARI

ROBERT E. GIBEAULT, JR., pursuant to 28 U.S.C. §1746, declares below:

1. I am a Federal Prisoner under custody at LORETTO FEDERAL CORRECTION  
INSTITUTE for a principal sentence of 96 months imprisonment followed by 15

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years' supervised release (see exhibit 1).

2. On December 8, 2021 a panel of the Second Circuit Court of Appeals issued a summary order affirming the defendant-appellant's order and judgment of conviction in all respects (see exhibit 2). The Court, by order dated December 14, 2021, granted a motion to extend the time to file a petition for rehearing to January 21, 2022.

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3. On January 21, 2022, the defendant-appellant filed a petition for rehearing, but the panel denied the petition the same day (see exhibit 3).

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4. DANIEL M. PEREZ, ESQ. being court appointed, and fully discharging his obligations under Section IX of the Court's Amended Plan to Implement the Criminal Justice Act of 1964, as amended June 18, 2010, was relieved as counsel (see exhibit 4). This left the petitioner to act in pro se alone.

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5. On March 5, 2022, a medical event, petitioner presented at the E.R. at University of Pittsburgh Medical Center with distortions of vision and eyes not functioning together with disorientation (see exhibit 5).

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6. On March 17, 2022, Retina Vitreous Consultants examined petitioner which further caused him to present to the E.R. at Conemaugh Memorial Medical Center for an MRI of the brain and vessels (see exhibit 6). For facial droop.

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7. On March 22, 2022 the petitioner had an optometry exam that confirm loss of visual field (VF) of the eye. (see exhibit 7).

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8. Dr. Kim Swindell, MD/CD considers a temporal artery biopsy, and also considering family history of Waldenstrom, a cancer, a CN palsy has described in the setting of Waldenstrom macroglobulinemia, futher testing is ordered. (see exhibit 8).

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9. It is apparent that something is wrong with the petitioner that is of a grave medical nature. Facial droop, palsies, and waldenstrom are all serious conditions. These events impeded his capabilities to file his Writ of Certiorari. The petitioner has established good cause and seeks relief.


10. WHEREFORE, I ROBERT E. GIBEAULT, JR. respectfully request that this Court grant my motion for an extension of 60 days under Rule 13.5 to file his Writ of Certiorari under compelling grounds.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Cresson, Pennsylvania  
April 11, 2022

↔25503-052↔

Robert Gibeault Jr.  
Federal Correctional Institution  
P.O. BOX 1000  
Cresson, PA 16630  
United States

  
\_\_\_\_\_  
ROBERT E. GIBEAULT, JR.

CERTIFICATE OF SERVICE

I certify that on this date, this motion was mailed first class postage paid through the United States Mail, as well as 2 copies per Rule 22 to:

The United States Supreme Court  
1 1st Street NE,  
Washington, D.C. 20543

Dated: Cresson, Pennsylvania  
April 11, 2022

ISI Agent 10532-014  
  
\_\_\_\_\_  
ROBERT E. GIBEAULT, JR.