

Docket No. _____

In the Supreme Court of the United States

EDWARD BROWN,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT

*ON PETITION FOR A WRIT OF CERTIORARI
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT*

**APPLICATION TO ASSOCIATE JUSTICE STEPHEN BREYER
TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI**

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Petitioner Edward Brown hereby applies to Associate Justice Stephen Breyer, pursuant to Supreme Court Rule 13.5, to extend the time to file a petition for a writ of certiorari for 60 days, from May 17, 2022 to July 15, 2022. Brown relies upon the following:

1. On February 16, 2022, the United States Court of Appeals for the First Circuit entered a final judgment affirming Brown's judgment and sentence in the United States District Court for the District of New Hampshire. The opinion of the court of appeals, a copy of which is attached hereto, is reported at 26 F.4th 48. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

2. The time for filing a petition for a writ of certiorari runs on May 17, 2022.

3. On May 1, 2022, undersigned counsel tested positive for Covid-19. While counsel has not been hospitalized, he has suffered a symptomatic infection, and he has again tested positive on May 6, 2022.

4. Undersigned counsel's Covid-19 infection has substantially disrupted his law practice as a result of, among other things, (1) a combination of symptoms that make it difficult for him to concentrate at the present time, (2) the necessity of isolation and his inability to access his office, and (3) the need to care for young children who are also suffering from symptomatic Covid-19 infections and are required to isolate alongside undersigned counsel.

5. Under current CDC guidelines, as a result of counsel's May 6, 2022 positive Covid-19 test, counsel may not leave isolation until May 12, 2022. *See*

<https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html#iso> (“If an individual has access to a test and wants to test, the best approach is to use an antigen test towards the end of the 5-day isolation period. ... If your test result is positive, you should continue to isolate until day 10.”).

6. The substantial disruption to undersigned counsel’s law practice has disrupted counsel’s ability to work on the petition for certiorari in this case. Counsel’s 10-day isolation has resulted in the need for counsel to manage rescheduling several time sensitive matters, including several previously scheduled hearings and jury trials, and, further, once counsel is able to return to the office on May 12, 2022, he will need to catch up on several time-sensitive emergencies created by his inability to go to the office or to court.

7. Counsel notes that, although his symptoms have improved, he still suffers some difficulties with concentration that impact the quality of his work. Counsel’s believes that his continued difficulties with concentration, combined with managing the time sensitive issues that have arisen in his law practice while he is ill, significantly and negatively impact his ability to produce quality written work product. Counsel cannot accurately determine precisely how long it will take him to recover fully from Covid-19.

8. Counsel is a partner in a small, busy, three-lawyer law firm and is the only lawyer in the firm who has significant and detailed knowledge of the record in this case.

9. Counsel seeks a 60-day extension so that he will have time (1) to recover completely from Covid-19, (2) to attend to and to sort out the various disruptions to his law practice, including, attending to time-sensitive matters that have arisen during and as a result of his illness and isolation, and (3) to prepare the petition for certiorari in this case with a clear mind.

WHEREFORE, for all the foregoing reasons, Petitioner Edward Brown respectfully requests that Associate Justice Stephen Breyer GRANT the within application and EXTEND the time to file a petition for a writ of *certiorari* for 60 days, from May 17, 2022 to July 15, 2022.

Petitioner
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By his Attorney,

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