

App. No. _____

In the Supreme Court of the United States

Mark Stuart, an individual
Applicant,

v.

State of Arizona, acting through the Scottsdale city prosecutor.
Respondents

**APPLICATION TO EXTEND TIME TO
FILE A PETITION FOR WRIT OF CERTIORARI**

**Directed to the Honorable Elena Kagan
Circuit Justice for the United States Court of Appeals for the Ninth Circuit**

Mark Stuart
8629 E. Cheryl Drive
Scottsdale, AZ 85258
(480) 602-316-0999
mstuart1789@gmail.com

Ken Flint
Sen. Asst. City Prosecutor
City of Scottsdale
3939 N. Drinkwater Blvd.
(480) 312-7881
kflint@scottsdaleaz.gov

August 14, 2022

**To the Honorable Elena Kagan, as Circuit Justice for the United States
Court of Appeals for the Ninth Circuit:**

Petitioner Mark Stuart, pursuant to Supreme Court rule 13.5, respectfully requests a 60-day extension of time to file his petition for writ of certiorari. ("Stuart") This request, if granted, would extend the deadline from September 3, 2022 to November 3, 2022. Stuart will be asking this Court to review a judgment of the Arizona Supreme Court issued on June 3, 2022, declining to review a ruling of the **(Attachment A)** Arizona Court of Appeals. Stuart will be asking this Court to review a ruling of the Arizona Court of Appeals upholding Scottsdale Revised Code 19-13-- Refusal to Obey Police-- against an overbreadth and vagueness challenge. ("SRC 19-13"; "ROP")**(Attachment B)** The Arizona Court of Appeals affirmed the denial of a vagueness and overbreadth challenge to SRC 19-13 by the Maricopa County Superior Court. **(Attachment C)**. The Maricopa County Superior Court affirmed the denial of an overbreadth and vagueness to SRC 19-13 in Scottsdale City Court. **(Attachment D)** This Court's jurisdiction to review the Arizona Supreme Court's decision rests on 28 U.S.C. § 1257.

Stuart is currently working as a high school math teacher in a large public high school in Tempe, Arizona. Stuart does not have the funds to hire an attorney to file the petition for a writ of certiorari. The Court should grant the extension of time because Stuart needs extra time to retain an attorney to file the petition for certiorari pro bono. Stuart is actively seeking pro bono representation to file a writ of certiorari. Thus far, Stuart's efforts have been unsuccessful. Without an extension of time, Stuart will not be able to file his petition, and issues of universal importance to all Americans will be left unaddressed by this Court.

The Court should grant this extension of time because this case presents issues of universal importance to all Americans:(1) Whether a law that allows the police to arrest and prosecute someone solely to prevent them from peacefully speaking in a public meeting, based solely on the content of the proposed speech is overbroad and violates the First Amendment? ; (2) Whether a law that allows a police officer to arrest and prosecute someone for refusing to obey an unconstitutional order from a police officer is overbroad and violates the First Amendment? ; and (3) Whether a law that allows a police officer unbounded discretion to arrest anyone that refuses to obey his orders, even an order that is obviously unconstitutional, is unconstitutionally vague and violates the Fourteenth Amendment? SRC 19-13 is intended to be used, and is used, by Scottsdale police to punish, deter and suppress the peaceful exercise of free speech in Scottsdale. First Amendment freedoms need breathing space from police action to survive and prosper.

For these reasons, Stuart respectfully requests an extension of time to file his petition for writ of certiorari. Stuart requests that the deadline be extended an extra sixty days, up to and including November 3, 2022.

Respectfully submitted this 14th day of August ,2022



Mark E. Stuart
8629 E. Cheryl Drive
Scottsdale, AZ 85258
(602) 316-0999
mstuart1789@gmail.com