

No. _____

IN THE
Supreme Court of the United States

DAKOTA FINANCE, LLC d/b/a Arabella Farm;
KEN SMITH, SHARON SMITH;
WILLARD R. LAMNECK, JR.,

Petitioners,

v.

NATURALAND TRUST; SOUTH CAROLINA
TROUT UNLIMITED; UPSTATE FOREVER,

Respondents.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fourth Circuit

**APPLICATION TO THE HONORABLE JOHN G. ROBERTS, JR.,
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI
TO THE FOURTH CIRCUIT**

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**To the Honorable John G. Roberts, Jr., Chief Justice of the United States
and Circuit Justice for the Fourth Circuit:**

Pursuant to Supreme Court Rule 13.5, Petitioners Dakota Finance, LLC, d/b/a Arabella Farm, Ken Smith, Sharon Smith, and Willard Lamneck, Jr., respectfully request an extension of time of 60 days to file their Petition for Writ of Certiorari in this Court, up to and including January 30, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Naturaland Tr. v. Dakota Fin. LLC*, 41 F.4th 342 (4th Cir. 2022), issued on July 20, 2022. *See* Exhibit 1. The denial of Petitioner’s Petition for Rehearing was issued on September 2, 2022. *See* Exhibit 2. This means a Petition for Writ of Certiorari is due on December 1, 2022. This application for an extension of time is filed more than ten days prior to that date.

JURISDICTION

This case arises under the citizen suit provisions of the federal Clean Water Act, 33 U.S.C. § 1365. This case presents substantial questions about the proper role of citizen suit enforcement where a delegated state is pursuing administrative enforcement against a person alleged to be in violation of the Clean Water Act. Specifically, this case asks whether the State of South Carolina’s administrative penalty action against Petitioners should preclude a citizen suit pursuant to 33 U.S.C. § 1319(g). This Court has jurisdiction over a timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. §1254.

REASONS FOR GRANTING EXTENSION OF TIME

Petitioners, small family-owned companies and the individuals who own them, are seeking pro bono counsel to assist in preparation of the petition. Petitioners seek an extension so that pro bono counsel may have sufficient time to prepare a thorough and persuasive petition for certiorari.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 60 days, up to and including January 30, 2023, to file a petition for writ of certiorari in this case.

DATED: October 11, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. Mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: October 11, 2022

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