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VIA REGULAR MAIL

October 13, 2022

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

RE: *Komatsu v. City of New York*, No. 22-1337 (2d Cir. July 19, 2022)

Dear Mr. Harris,

This is a letter motion in which I'm primarily requesting a 60-day extension of time from 10/17/22 to 12/16/22 to file my pending petition for a writ of certiorari about the orders, decisions, and memo endorsements that were issued in *Komatsu v. City of New York*, No. 22-1337 (2d Cir. July 19, 2022) that is hereinafter referred to as "K1" and *Komatsu v. City of New York*, No. 20-cv-10942 (VEC)(RWL) (S.D.N.Y. June 17, 2022) that is hereinafter referred to as "K2" and corresponds to the underlying district court action. The order that was issued on 6/23/22 in K1, but didn't take effect until 7/19/22 in K1 as that order a) dismissed that appeal in response to the fact that I didn't file a motion for leave to file that appeal and b) set my 90-day deadline as 10/17/22 to submit my petition for a writ of certiorari to this Court is annexed in the attached appendix.

Equitable tolling of the deadline for submitting this application is warranted because I'm recovering from Covid-19. This Court's findings in *Holland v. Florida*, 130 S. Ct. 2549, 560 U.S. 631, 177 L. Ed. 2d 130 (2010) that confirm that post-deadline filings are sometimes permissible applies to my request to be granted a reprieve that will cause this Court to accept this application and grant it. The attached appendix also includes a diagnosis report that I was issued



on 10/6/17 that confirms that I was diagnosed then with having Covid-19. I was diagnosed with that after experiencing symptoms since 10/2/22 and despite having received the Covid-19 vaccination shots. Due to the privacy and sensitivity of such personal medical information, I respectfully request that this Court file that diagnosis report under seal. Strictly due to both how ill I then was and to avoid the possibility of infecting others, I wisely and respectfully opted not to visit certain places that I needed to visit and do things while visiting them that I needed to do to otherwise submit this application at least 10 days before my 10/17/22 deadline for my petition for a writ of certiorari would expire. In order for me to have prepared this application and mailed it to your court by the 10/7/22 deadline to which I just referred, I needed to be sufficiently healthy between 10/3/22 and 10/7/22 to c) visit the clerk's office for the U.S. Court of Appeals for the Second Circuit to get a printed copy of its 6/23/22 order in K2 and relevant parts from that appeal's docket sheet to include in the attached appendix, visit a library to print this application, and then visit a post office to mail this application. However, doctors that I talked with after being diagnosed with having Covid-19 told me that I needed to stay home and get plenty of rest to try to recover.

Except for the additional critical fact that I clearly need time to continue to recover from Covid-19 and tablet prescription medicine known as Mucinex DM that I'm taking for that substantially prejudices my ability to concentrate on preparing detailed and somewhat lengthy legal filings due to side effects, my reasons for requesting this extension of time to submit my petition for a writ of certiorari for this appeal are largely identical to the reasons that I gave in the request that I submitted to this Court for the additional petition for a writ of certiorari of mine that corresponds to *Komatsu v. City of New York* that this Court assigned the docket number of 22-5681 to after I was granted an application by this Court for an extension of time to submit my

petition for a writ of certiorari to this Court for that appeal. I therefore incorporate the reasons that I gave for that earlier request for an extension of time in this application by reference as though fully set forth herein.

There will be no prejudice to the opposing parties nor their attorneys if this request for an extension of time is granted. Also, after I mailed a copy of my petition for a writ of certiorari to this Court for a different petition that this Court thereafter assigned the docket number of 22-5681 to, I talked with Lisa Nesbitt of this Court's Clerk's Office on 10/7/22 about the fact that images that appear on pages 22, 24, 25, 26, 29, 30, 31, 34, and 36 in that petition aren't comprehensible as a result of how that petition was scanned by this Court's Clerk's Office. To illustrate this point, the screenshot that appears next on the left is of an incomprehensible image from page 47 in the PDF file (page 34 in the petition) that corresponds to that petition that is on this Court's web site after it was scanned by this Court's Clerk's Office. That same image appears on the right as it was shown in that petition before **a)** it was scanned by this Court's Clerk's Office and **b)** I printed that petition and mailed it to this Court's Clerk's Office.



Since the following is entirely true and accurate, I respectfully request to be granted a reasonable accommodation to uphold my First and Fourteenth Amendment rights to include images in petitions for writs of certiorari to this Court to be granted redress that will enable all of those petitions to have the images that include in them to be clearly shown to both this Court's esteemed justices and the general public partly to also uphold the public's First Amendment right of immediate and continuous access to publicly filed court records in a manner that will enable them to clearly view and comprehend the entirety of the information in such records instead of having that prejudiced by scanning deficiencies:

- a. People who may possibly wish to intervene in this appeal and/or otherwise use information from my petition for a writ of certiorari in it may choose not to do

so in the event that they aren't able to clearly view images that I include in that petition if their inability to view such images is due to further scanning deficiencies that may possibly arise due to the equipment that this Court's Clerk's Office uses to scan documents that it receives in the mail.

- b. The same is true about talented attorneys who may possibly be willing to provide me pro-bono legal representation in relation to this appeal and journalists who may possibly wish to interview me in relation to this appeal.
- c. The same is true about people who may wish to refer to the information in my petition for a writ of certiorari about this appeal after I may testify in public hearings about its subject matter that may pique their interest.

I have no idea whatsoever why this Court implemented a policy that has caused it to not accept electronic filings from pro se litigants that has inequitably and unfairly caused them to have no way of having images that they may wish to include in their petitions for writs of certiorari to this Court to be shown as clearly and vividly as the following images from pages 6 and 8 in the PDF file for this Court's decision in *Egbert v. Boule*, No. 21-147 (U.S. June 8, 2022):



Had I known beforehand about that this Court wouldn't for whatever reason cause petitions for writs of certiorari that I would submit by mail to its Clerk's Office to be made available from this Court's web site to the general public in a manner that would cause the

entirety of the information in those petitions would be as comprehensible and viewable as shown in the printed copies of those petitions when I mailed them to this Court's Clerk's Office, then I most likely wouldn't have included images in such petitions. However, no information exists on this Court's web site about problems that may arise when pro se litigants include images in their petitions and mail them to this Court's Clerk's Office that then scans them as PDF files before those PDF files are uploaded to this Court's web site for public access. I urge this Court to immediately reconsider and end its prohibition about not accepting electronic filings from pro se litigants for this reason. I'm acutely aware of the fact that this Court's justices are staunch defenders of First Amendment rights. The following findings from this Court's decision in Elrod v. Burns, 427 U.S. 347, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976) support having this Court modify its policy that I just discussed for the reason that I discussed:

- a. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."
- b. "timeliness of political speech is particularly important"

Respectfully,

/s/ Towaki Komatsu

Towaki Komatsu