

No. \_\_\_\_\_

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**In The**  
**SUPREME COURT OF THE UNITED STATES**

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TYLER BRIENZA,

*Applicant,*

v.

CITY OF PEACHTREE CITY, GEORGIA, ADAM C. WADSWORTH and  
MARK A. WILLIAMS,

*Respondents.*

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**APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**  
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*Counsel for Applicant*

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, applicant Tyler Brienza respectfully requests that the time to file his petition for certiorari be extended for 60 days, up to and including Friday, March 3, 2023. The Court of Appeals for the Eleventh Circuit issued its opinion on August 30, 2022 (Exhibit A). A timely petition for rehearing was denied on October 4, 2022 (Exhibit B). Absent an extension of time, the petition for writ of certiorari would be due on Monday, January 2, 2023. This application is being filed more than 10 days before that date. This application is unopposed. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

### **Background**

This case presents important questions regarding the intersection of the privacy rights of individuals at private residences and the authority of law enforcement officers to demand information of inhabitants in the home. Specifically, the scope of law enforcement officers' authority to detain inhabitants or demand identification from individuals when conducting a warrantless "knock and talk" at a private residence under no exigent circumstances, and a subsequent arrest for allegedly obstructing the "knock and talk" by refusing to answer questions. Here, the Eleventh Circuit found that the law enforcement officers were authorized to demand identification from the inhabitants of the private home, even though the

officers lacked a warrant and exigent circumstances. The court then determined that it was proper for officers to arrest Brienza under a city obstruction ordinance when he refused to provide his name and birthdate. The court found the fact that Brienza was on the stoop to the home—not inside—provided the officers the authority to detain him and demand information and when he politely declined, the officers had probable cause to arrest him for obstruction. The court’s decision ignores the fact that a stoop is an extension of the residence. The court’s decision also extends Terry Stops to private residences during a “knock and talk,” undercutting the protections of a private residence. The court’s decision further permits law enforcement to arrest an individual at a private home who refrains from speaking to the police who appear at a home without a warrant or exigent circumstances, and here, without any articulable reasonable suspicion. Underlying the court’s decision is the failure to follow the well-known path at summary judgment: that all facts should be taken in favor of the non-movant; here, Brienza.

### **Reasons Why an Extension of Time is Warranted**

Good cause exists for an extension of time to prepare for a writ of certiorari in this case. Undersigned counsel of record only recently joined the case and was not previously involved in litigating the matter; accordingly he needs time to familiarize himself with the record and to prepare the petition. Additionally, counsel for applicant have other pressing matters including ongoing litigation and drafting responses to

pending motions. And the intervening holidays further affect the time needed to prepare the petition.

Applicant has not previously sought an extension of time from this Court.

### **Conclusion**

Applicant respectfully requests that the time to file a petition for writ of certiorari be extended 60 days, to and including Friday, March 3, 2023.

Respectfully submitted December 12th, 2022.

/s/ Richard E. Johnson  
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