

In The SUPREME COURT OF THE UNITED STATES

October Term 2022

Mark Tunne,

Applicant/Petitioner,

v.

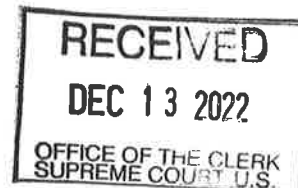
Judge Brenda S. Spears, et al.

Respondent.

**Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to
the Supreme Court of the United States**

**APPLICATION TO THE HONORABLE JUSTICE
SONIA SOTOMAYOR AS CIRCUIT JUSTICE**

Mark Tunne
Cooper Station
P.O. Box 235
New York, NY 10276
Applicant/Petitioner Pro Se



APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Mark Tunne, hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including a time set forth by the court.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is Tunne v. Judge Brenda S. Spears, et al. Index No. 20-28. The 2nd Circuit Court of the United States denied Applicant's motion for rehearing or modification on July 22, 2022. (attached as Exhibit 1).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari and/or other necessary pleading seeking review of the decision of the 2nd Circuit Court of Appeals, is the July 22, 2022, decision sought to be reviewed.

1. Applicant has requested that his [a] consulting counsel assist in the preparation of his petition. An extension of time will permit petitioner the time necessary to complete a cogent and well-researched petition as part of his pro bono requirements.

2. Pro se applicant would not usually ask for a 60-day extension request but does so in order to allow his consulting counsel adequate time to research and complete the petition within or under 60-days starting after the approval date of the high court. The extension of time is also necessary because of counsel's heavy court calendar and other pressing engagements.

For example, consulting counsel in the coming two months, has to prepare for two major trials representing other clients in state and federal court. See petitions for writs of certiorari in *Malone v. United States* (No. 18-) and *Rivera-Ruperto v. United States*, (No. 18-), and reply briefs in *Arjune v. New York* (No. 17-8587) and *Dixon v. United States* (No. 17-8853). Petitioner's consulting counsel is admitted to practice in the Southern District of New York; Eastern District of New York; and the 2nd Circuit Court of Appeals. He is currently briefing and/or preparing for oral argument(s) and trial preparation. See (*Johnson v. United States*, No. 13-CF-493; *Walker v. United States*, Nos. 14-CF-839 and 14-CF-840; and *General v. United States*, No. 16- CF-0822). Petitioner's consulting counsel has ongoing litigation in the Southern District of New York and New York State Supreme Court that require his primary attention. Consulting Counsel has agreed to assist petitioner pro se on pro bono. A 60-day extension for the Applicant would allow his consulting counsel the necessary amount of time to effectively contribute to all open matters including Applicant's petition as well as his other client's business abroad and would also allow consulting counsel sufficient time for research and drafting efforts per Applicant's request.

3. The extension of time is also necessary because of the pressing matters of other paying client's and attorney business. For example, in the next two months, consulting counsel has several overlapping other commitments representing other clients in state and federal Court such as pretrial conferences, compliance conferences, depositions, pre-trial discovery matters, and several personal resolution meetings with his opposing adversaries. See *Malone v. United States* (No. 18-) and *Rivera-Ruperto v. United States*, (No. 18-), and reply briefs. See *Arjune v. New York* (No. 17-8587) and *Dixon v. United States* (No. 17-8853). Consulting counsel is also appointed co-counsel in one state supreme (district) court case, a few cases currently in litigation in the Southern District of New York, and one case currently in the 2nd Circuit Court of Appeals currently briefing

and/or preparing for oral argument and possibly trial. See (Johnson v. United States, No. 13-CF-493; Walker v. United States, Nos. 14-CF-839 and 14-CF-840; and General v. United States, No. 16- CF-0822) and has ongoing litigation in the Appellate First Term and Appellate First and Second Division Departments in New York State. A 60-day extension for the Applicant would allow consulting counsel the necessary amount of time to effectively contribute to all open matters including Applicant's future petition(s) as well as attend to his other client's businesses abroad, and would also allow both Petitioner pro se and consulting counsel sufficient time for research and drafting efforts per Applicant's request.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including the date approved by the U.S. Supreme Court of the United States within which to file a writ of certiorari and other necessary pleadings in this case.

Respectfully submitted,



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December 9, 2022

Recently, due to applicants medical health issues, applicant had to restrain from public contact.

EXHIBIT I

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of July, two thousand twenty-two.

Before: Michael H. Park,
William J. Nardini,
Steven J. Menashi,
Circuit Judges,

Mark Tunne,

Plaintiff - Appellant,

v.

Judge Brenda S. Spears, The City of New York, Justice Michael L. Pesce, Justice Michelle Weston, Justice Jamie A. Rios, The Estate of Fred Zeiss, Gerald P. Halpern, Esq., Alan Zeiss, Mautner-Glick Corp., ("MGC"), Alvin Glick, Sr., Jose Moreno, Lorena Moreno, The Price Law Firm, PLLC, Joshua Clinton Price, Heather Ticotin,

Defendants - Appellees.

Appellant, pro se, moves for a recall of the mandate, for leave to file a late motion for reconsideration, and to stay reissuance of the mandate.

IT IS HEREBY ORDERED that the motion is DENIED.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court




CERTIFICATE OF SERVICE

In The SUPREME COURT OF THE UNITED STATES

October Term 2022

Mark Tunne,

Applicant/Petitioner,

v.

Judge Brenda S. Spears, et al.

Respondent.

I, Mark Tunne, appellant pro se, do hereby certify that, on this 8th day of November 2022, I caused three copies or three copy sets each of the Merits Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari and application review to be granted A Recall Mandate and Reconsideration for the Appellant pro se in the foregoing case to be served by U.S. post mail, on the following parties: Joshua Clinton Price, Esq., Heather Ticotin, Esq., and The Price Law Firm as per the instruction orally told to appellant by 2nd Circuit Court of Appeals Chief Clerk, Catherine O'Hagen-Wolfe, Esq. and her Associate Chief Clerk, Dina Kirof, Esq. when this case was in the 2nd Circuit Court of Appeals. All parties were served at 1115 Broadway Suite 1053, New York, NY 10010, PLLC. *Each Counsel of Record cited above are individual defendants.

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*Applicant/Petitioner Pro Se

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