

No.

IN THE SUPREME COURT OF THE UNITED STATES

Christopher J. Swindell
Applicant/Petitioner,

v.

CACI NSS, INC., f/k/a L-3 National Security Solutions, Inc.
Quick Services, LLC,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

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

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APPLICATION FOR AN EXTENSION OF TIME

Petitioner, Christopher J. Swindell's petition for a writ of certiorari is due on or before December 26, 2022, which is 90-days after September 27th, when the Fourth Circuit of Appeals denied his petition for rehearing and rehearing en banc. However, Mr. Swindell requests an order extending the time to file his petition for a writ of certiorari, from December 26, 2022, until February 24, 2023, a period of 60-days. In accordance with Supreme Court Rule 13.5, this application is submitted at least ten (10) days prior to December 26, 2022. This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1).

JUSTIFICATION FOR AN EXTENSION OF TIME

1. Christopher Swindell is a former United States Air Force Intelligence analyst who served honorably from 2009 through 2015. Currently, he is a first-year law student at The George Washington University Law School, where he serves as a Senator to the Student Bar Association, representing his 125-person section and as the Vice Chair of Diversity and Inclusion for the Student Life Committee, which serves a 1600+ law school body. In addition to these responsibilities, Christopher is a husband and father to two elementary school-aged children.
2. As you know the 1L year is quite demanding, particularly the first semester, which is precisely when the Swindell family found out that the rehearing and en banc rehearing request had been denied and the only remaining option was to appeal to the Supreme Court. With the 90-day clock dwindling down, the

Swindell family vigorously attempted to secure representation, however, those attempts failed in November 2022. Without any remaining viable options, Christopher decided to use the very limited time that he had available outside of preparing for finals, to start researching the process of drafting a writ of certiorari and would ultimately write the legal document.

3. Unfortunately, both Christopher and his immediate family were ill during this crucial period, between Thanksgiving and mid-December, which seriously hampered progress. Christopher's wife and daughter had the FLU/COVID-19 symptoms during the last week of November through the first week of December, while Christopher, himself, was hospitalized for Kidney Stones during the second week of December (finals week), which led to him missing two of his final exams and he still has not fully recovered.
4. The requested extension is made in good faith and not for the purposes of delay.

CASE IMPORTANCE

~~The Fourth Circuit issued an unpublished and unreasoned decision to~~
uphold the lower courts' decision to grant summary judgement, stating that no rational juror could find that these "insensitive, offensive utterances" could constitute a racially hostile work environment:

1. White Power, no offense Swindell
2. You remind me of EBT (food stamps)
3. Black people can't swim because of their genetic makeup



4. You can't see the veins in black people
5. It's okay to call black people coloreds, I know an older white woman who does it
6. Swindell you wouldn't fit in Yemen; all Africans are skinny and you're a bigger guy
7. I didn't think black people could swim, Swindell, can you swim?
8. If you were on the House of Cards show, you couldn't be the politician, you would be the black guy that owns the rib joint
9. You couldn't take a black man's banana; you would slip and fall in your Va-Jay-Jay juice

We disagree. Our case became much harder to appeal before this court without a written decision from the Fourth Circuit explaining their rationale, however, for the sake of justice and accuracy, our most fervent wish is to, at minimum, convince the court that this ruling warrants a second look. As the NAACP LDF laid out in their amicus brief, the Third Circuit of Appeals held (to make out a hostile work environment claim, a plaintiff must show “the discrimination would detrimentally affect a reasonable person of the same race in that position . . .”), a split that the Fourth Circuit of Appeals did not acknowledge. If taking the Third Circuit’s approach, it becomes clear that nearly any African American be detrimentally affected by these comments and that reasonable Americans could find that these comments constitute a racial hostile work environment.

CONCLUSION

Mr. Swindell wishes to have the time to properly prepare a petition to this Court and not be prejudiced by his family's sickness. For the foregoing reasons, applicant respectfully requests that this court grant a 60-day extension, up to and including February 24, 2023, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

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