

IN THE SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA  
Respondent-Appellee

V.

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

Tenth Circuit Court of  
Appeals No. 22-1060

DAVID ZOOK  
Petitioner- Appellant

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APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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To: Mr. Justice Neil Gorsuch  
Allotted Justice to the Tenth Circuit

David Zook, Pro Se  
2020 N Tejon Street  
Colorado Springs, CO  
80907  
719 459-6660  
Petitioner

Comes Now, Petitioner-Appellant, David Zook, pro se, and moves the Court for an extension of 60 additional days to file Petitioner's Petition for a Writ of Certiorari from this Court to the United States Court of Appeals for the Tenth Circuit.

#### BASIS FOR JURISDICTION

The United States Court of Appeals for the Tenth Circuit entered judgment against Petitioner On December 6, 2022. 28 USC 2101 (C) and Rule 10, Rules of the Supreme Court, provide for the review upon Writ of Certiorari of a decision of a United States Court of Appeals. Section (c) of said rule states a consideration for granting such review is when a United States Court of Appeals has decided an important question of Federal law that has not been, but should be, settled by this Court.

#### JUDGMENT SOUGHT TO BE REVIEWED

Upon review of the judgment of the United States District Court for the District of Colorado, the United States Court of Appeals for the 10th circuit affirmed the lower court judgment wherein it found that,

1. An administrative subpoena (EPA) may issue to a private individual for his private papers without any predicate suspicion or cause—ie, mere whim or “official curiosity” was found to be a sufficient basis.

2. Rule 6 (d), Fed. R. App. P., does not extend the time to file a motion under Rule 59 (e), Fed. R. App. P. ie, when a pro se party in litigation with the government is served a judgment by mail, his time to file a motion to alter or amend, is shorter ( by up to three days) than the time accorded to the government, which is instantly served electronically.

Neither of these said questions have been dispositively addressed by this Court. These are important, Constitutional questions, indeed, particularly the issue of the boundaries for administrative subpoenas --currently, apparently, boundless.

#### REASON/GROUNDS FOR REQUEST

This pro se octogenarian has been unable to complete his petition due to serious health issues. On January 16, 2023, he was hospitalized for four days, with a massive pulmonary

embolism, which prevented him from completing his Rule 40, Fed.R.App.P., Motion for Rehearing in the Court of Appeals, then due on January 20th.

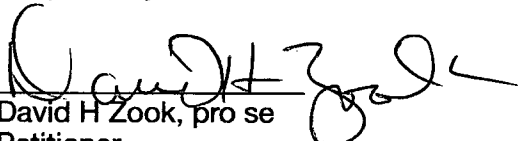
Before fully recovering from the embolism, Petitioner was stricken with a serious case of Covid, which has sidelined him for the past 2 1/2 weeks. This otherwise retired Petitioner has simply not physically been up to the task of preparing his Petition for a Writ of Certiorari with its strict, tedious preparation and printing requirements. Petitioner believes, given 60 additional days, that he will be able to finish and file his Petition with this Court.

#### CONCLUSION

This petitioner has been hopeful that he could file his Petition by the due date of March 6, 2023, and only realized he would be unable to do so after the 10 day window had closed. These are really important Constitutional issues. The abuse of administrative subpoenas, particularly by the EPA, is rampant.

Petitioner urges that he be given 60 additional days, until May 5, 2023, to file his Petition for a Writ of Certiorari directed to the 10th Circuit Court of Appeals.

Respectfully submitted,

  
David H Zook, pro se  
Petitioner