



Supreme Court, U.S.
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October 9, 2023

The Honorable Scott Harris
Clerk of the Supreme Court of the United States
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 25043

By Fedex Overnight Delivery

Re: *Tingle v. Florida Department of Health*, No. 23-246
Request for extension to file brief in opposition to petition for certiorari

Dear Mr. Harris:

I represent Respondent, the Florida Department of Health (the Department), in this matter. The case was initiated on September 12, 2023, when Petitioner Donivon Craig Tingle filed a Petition for Writ of Certiorari (Petition). Tingle served the Petition on the Department and on the Florida Attorney General. While the Florida Attorney General's Office waived its right to file a response to the Petition on September 14, 2023, the Department, a separate state agency with its own capacity to be sued in certain circumstance, has not waived. The Department—which is the party named as the Respondent in this action—intends at this time to file a response to the Petition.¹

The Department's brief in opposition to the Petition is presently due on October 16, 2023. Pursuant to Supreme Court Rule 30.4, the Department requests a 30-day extension to file its response.

¹ The undersigned is not presently a member of the Bar of the Supreme Court of the United States but has submitted an application for admission that is currently awaiting review and approval. The Department understands that the brief in opposition to the Petition must be filed by a member of the Bar of this Court.

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This request for an extension is the Department's first. Additional time is necessary because I have numerous professional commitments including proceedings in state courts and administrative tribunals prior to the current deadline. The requested extension will allow counsel an adequate opportunity to review and respond to the Petition in light of those other obligations. The extension will further enable preparation of a response that will be most helpful to the Court—and will not prejudice Petitioner, given that the Petition does not identify any circumstances that require immediate resolution.

Accordingly, Respondent requests a thirty-day extension of time, through and including November 15, 2023, to file its brief in opposition to the Petition.

Sincerely,



Eduardo S. Lombard

cc: Donivan C. Tingle, Petitioner, *pro se* (by email)
Miguel A. Olivella, Jr., counsel for the Florida Attorney General (by email)