

No. _____

In The Supreme Court Of The United States

AJ MINI MARKET, INC., Petitioner(s),

v.

UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION
SERVICE (FNS), Respondent(s).

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

**To the Honorable Ketanji Brown Jackson, Associate Justice, of the Circuit
Court of Appeals for the First Circuit:**

Petitioner AJ MINI MARKET, INC., requests an extension of time to file its Petition for Writ of Certiorari. Your petitioner requests sixty (60) additional days. The Final Judgement entered on July 5, 2023. Your petitioner is a close corporation whose owner, Antoine E. Elhorsi, suffered the loss of both of his elderly parents over the course of the summer in Lebanon. Mr. Elhorsi contacted counsel on September 29, 2023, requesting to pursue review in this Court of the adverse ruling in the First Circuit. Mr. Elhorsi grieving the loss of first his father and then his mother was out of contact during this period. It is respectfully requested that the time to file the Petition be enlarged as prayed.

Petitioner AJ MINI MARKET, INC. attaches the decision of the First Circuit Court of Appeals entered on July 5, 2023. The Petition to this Honorable Court filing date is October 3, 2023.

Here the decision of the Agency determining that the Market engaged in Trafficking was arbitrary and capricious. The First Circuit Court of Appeals erred in upholding the District Court finding that the Market's submissions explanations failed to traverse that required to survive summary judgment. This Market, with decades of operation and loyal participation in the SNAP program, put forward receipts consistent with customer purchases with respect to the complained of transactions. The Market operated an optical scanner for check out, distinguishing itself measurably from counterparts. It maintained as well a separate Point of Sale for all non-qualified transactions, lottery, cigarettes fuel cards and required cash only at that POS. It is submitted that the First Circuit erred in review of the District Court decision finding no grounds for Civil Monetary Penalty as a step down from permanent disqualification, where there was a solid track record of service, and the Market served a poor community. The Market consistently was found to meet the standards to persist as a SNAP approved Vendor. The First Circuit Court of Appeals erred in its determination that the permanent disqualification of the Market would not work a hardship on the community, given its length of service, reliable provisioning, impoverished environs, and loyal customers.

Respectfully submitted,

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September 30, 2023
