

NOV 09 2023

NO.

IN THE SUPREME COURT OF THE UNITED STATES

Michael J. Harvey,
Petitioner

v.

Xavier Becerra, Department of Health and Human Services,
Respondent

MOTION REQUESTING EXTENSION OF TIME TO FILE APPEAL

In compliance with Rule 22.1 of the Supreme Court of the United States this motion is addressed to Justice Ketanji Brown Jackson.

I request that the Court grant an extension of time to file an appeal of the 8th Circuit Court of Appeals' decision in the case identified in the caption above. The 8th Circuit's Case File Number is: 22-2948. The decision was filed on August 31, 2023, so the deadline for filing the appeal November 29, 2023. I am seeking an extension until January 22, 2024.

I am representing myself. This case has been advancing through the judicial system for almost three years, so the history and legal issues are both voluminous and complex. Since I am representing myself, the work required for this appeal falls upon me entirely. I do not have support staff, researchers, a secretary, ready access to office supplies, sophisticated office machines, formal legal training and

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experience, or abundant financial resources. I have to review, research, and evaluate the rules and the law. Then I have to organize, write, and submit all the required paperwork. Moreover, I must provide and/or acquire the various resources essential to preparing everything necessary for the filing: paper, printing ink, scanning, copying, editing, revision, and so on. Please consider that the rules governing the judicial process are written with the abilities, resources, and experience of professional attorneys in mind. I accept all the obstacles, and I will surmount them. Still, I have a great deal to do, and I must do it all myself.

An additional, significant complication makes my task much more difficult. Last March the company that manages the apartment building where I live initiated an eviction action against me. In July the Ramsey County District Court found in favor of the landlord. So at present I must prepare a brief for the Minnesota Court of Appeals. Again, I am proceeding pro se. I am early in the process of writing the brief. As part of that project I have to review and apply elements from the transcript of a more than two and a half hour trial, more than a hundred pages. I have about a month to complete this brief. I could simply surrender to an unjust, and I firmly believe illegal, eviction by the landlord. I know that I am justified in fighting the continuing harassment, prejudice, and hostility of the landlord. However, the time,

energy, and attention the composition of the brief requires will make it extremely difficult to focus simultaneously on the material essential for an appeal to the Supreme Court. Even if I complete the informal brief a week early, I will have only a month before the Supreme Court deadline for an appeal of the 8th Circuit's decision. Given all the work required, one month will not be enough time.

Moreover, the holidays, with the complications and the obligations they impose, will impinge. For example, in December 2019 Respondent claims that my Medicare payment did not arrive until nine days after it was mailed on 12/18. Then in November and December 2020 the entire case was imperiled by Respondent's unreasonable and unjustified refusal even to acknowledge my three requests for an extension to file my appeal of its offensive acts with the Federal District Court in Minnesota.

Also, I plan to submit my appeal through the U.S. Postal Service, and lately its efficiency has at times been compromised and/or falsely discredited. The 8th Circuit Court of Appeals claims that this past July my Petition for Rehearing was lost by the USPS—even though Postal Service tracking documented that the Court received possession of it.

As a consequence of these problems and obstacles, among others, I respectfully request an extension of the deadline for filing my appeal from November 29, 2023 until January 22, 2024. I recognize that this

is a lengthy extension. But I have a great deal of work to do and, since I am solely responsible, it will take a long time to do the work both properly and well. A trained, licensed, and experienced attorney, with all the resources at his or her command, could complete this task by the end of November. But it will inevitably take me much longer.

Furthermore, please recognize these additional complications. I own two laptop computers. The one I mainly use is ten years old; the second is six years old. Over the past year the operating system of the computer I primarily use has proven incompatible with many sites on the internet, especially those providing legal information, including some associated with the Supreme Court. The forms I have downloaded often have tangled and confused formatting. It can take an hour, or more, to correct one.

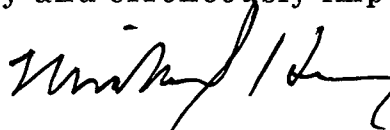
In July thunderstorms here caused four power outages in six days. Since then I have had problems with the operating system and functions in Microsoft Word (e.g., "Cut" or "Copy and Paste"). The Safari search engine is also erratic; on occasion I have been unable to access it. Very likely there are additional problems I have not yet encountered.

Consequently, I had to buy a new, a third, computer. But now I have to adapt to the new machine, install software, and research and upload or download information from the record necessary for writing

the appeal and its associated documents. The computers at the public library do not allow sufficient access and flexibility for this work.

I hope you can agree that for this case unusual circumstances obtain. Practically speaking, what a lawyer might easily accomplish in a day or two may well take me a week. Already I lost the best part of September struggling with the court reporter's office of two district courts in Minnesota to arrange for Certificates as to Transcript. I have to work very hard, under stressful conditions, and great uncertainty. Such circumstances inevitably diminish efficiency.

So I respectfully ask the Court to grant me additional time to complete the work essential to the filing of my appeal, to defend myself against a plaintiff with essentially unlimited resources and, I believe, an unjustified and unjust, as well as unconstitutional, defense. I make this request in the hope that the Supreme Court will allow me to contest effectively, to the best of my ability, a decision by the 8th Circuit that imposes an unreasonable, illegitimate, and unethical consequence upon the appellant—a decision that, if affirmed, will cause many more people to be afflicted by the presumptuous injustices so self-righteously but ignorantly and erroneously imposed by the Respondent.



10/20/23

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