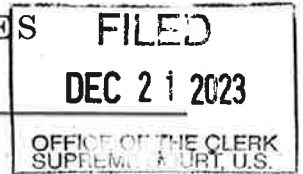


ORIGINAL

NO. 23A504

IN THE SUPREME COURT OF THE UNITED STATES



Michael Harvey,
Petitioner

v.

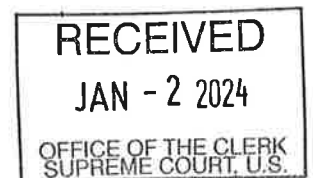
Xavier Becerra, Department of Health and Human Services,
Respondent

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 Kavanaugh.

I request that the Court grant an additional (second 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 original deadline for filing the appeal was November 29, 2023. On December 5, 2023, Justice Kavanaugh granted the first extension. I am now seeking a 30-day extension until February 22, 2024.

First, I want to thank Justice Kavanaugh for granting my original motion. I wish that circumstances were such that it was sufficient. Many complications occurred with regard to the delivery of the motion itself to the Court, and additional problems outside my



control have made preparation of the material for my appeal of the Eighth Circuit's decision last August all but impossible.

As noted in my earlier motion, I am representing myself. I am not an attorney and my resources are limited, so I must do everything myself. From September into December I have been working to appeal my landlord's unjustified efforts to evict me from the property where I have lived for almost forty years. On 11/15/2023 I submitted a motion to the Minnesota Court of Appeals requesting permission to submit my appeal brief at a length of 60 pages rather than the standard 45. In addition, I asked to expand the Addendum from the standard 45 pages to 60 pages. Eleven days before the deadline 12/12/2023 for submission of these documents—on 12/1/2023, a Friday—I learned from the Clerk's Office that the Court had not made a decision on the motion. That night I mailed a second motion requesting a ten-day extension of the deadline until 12/22/2023 because, I told the court, without a clear idea of the length of the documents I was to submit and time running out, I would not be able to do the work that would have to be done should the court deny my original motion. On December 5, 2023, a week before the deadline for filing, I learned that the Court had denied my first motion but had not yet decided whether to grant me an additional ten days for submission. Finally, on 12/8/23 I learned that the Court granted my

request for an additional ten days, until 12/22/2023. Two days ago, 12/19/2023, I filed the necessary documents with the Court of Appeals.

But the frustration, uncertainty, and work have taken a harsh toll. Honestly, I am exhausted. The holidays are looming. Moreover, the Respondents in the case now have two weeks to submit their response. Then I will have an intense week in which to submit my reply. So even with all that has happened, I am not done. I had hoped to be well into the work for my appeal of the Eighth Circuit's decision of last August. That subject introduces the second half of my rationale for requesting an additional thirty days to submit my Appeal.

On 10/10/2023 I mailed my initial extension request to the Supreme Court. USPS Tracking registered it as picked up at the Postal facility for Zip Code 20543 on 11/27/2023 at 7:01AM—seventeen days after posting. The letter was sent by Certified Mail, but I never received the reply card. Since I didn't receive the card, I worried if the letter had arrived. I made several calls to the Clerk's Office in Washington, D.C. No one could locate the motion. Eventually, thankfully, Mr. Clayton Higgins advised me to resubmit the motion with copies of the certified mail receipts from the originating post office. I mailed this material on 11/9/23. For some reason it was sent from Saint Paul, MN directly to the Regional Facility in San Antonio, where it arrived on 11/13/23. It languished there until 11/24/23, eleven

days, until it was in transit to "Next Facility". On 11/27/23 at 6:55AM, it arrived in Washington, D.C., and was soon available for pickup. Eighteen days after mailing. Documentation provided.

All this confusion and uncertainty did not contribute favorably to the problems I was so urgently and stressfully trying to resolve with the Minnesota Court of Appeals. I hope you understand that it also frustrated my intentions to work on this Appeal. As I hope you also recognize, I caused none of these problems. Fortunately I sent both copies of the motion by Certified Mail, so I have the proof.

May I humbly suggest that the case I wish to present to the Court offers some interesting and concerning problems. From a legal perspective, it raises the issue of the primacy of the Constitution in relation to Congressional legislation. Several influential previous decisions at least appear to be in conflict. Also, in its supervisory responsibility this Court may wish to consider the procedural, judicial, and ethical conduct of the District Court in Minnesota and the Eighth Circuit. One example: Confusion seems to exist over the proper application of de novo review. These issues may raise broader concerns.

In conclusion, I have been unable to begin work on my Appeal of the Eighth Circuit decision, though it is in the forefront of my concerns. I fear, however, that the confusion, frustration, and uncertainty connected with these actions will make completion of the Appeal by

January 22, 2024, impossible. So I am asking for a thirty-day extension of the deadline—until 2/23/24. Look on the bright side. From what I hear the Court's present business has all the Justices' hands full.

Thank you for your patience and understanding. Have a wonderful Christmas. I hope the coming year will be easier than this one. For all of us. And the rest of the world.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael Harvey", with a stylized flourish at the end.

Michael Harvey

December 21, 2023

No.

IN THE SUPREME COURT OF THE UNITED STATES

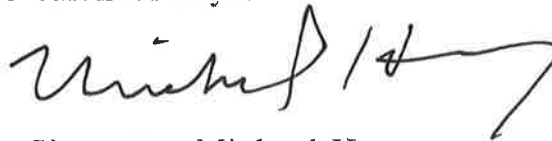
MICHAEL HARVEY,
Petitioner,

v.

XAVIER BECERRA, Department of Health and Human Services,
Respondent.

PROOF OF SERVICE BY MAIL

I, MICHAEL HARVEY, do declare that on this date, December 21, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR A 30-DAY EXTENSION OF TIME TO FILE AN APPEAL on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid for delivery within 3 calendar days.



Signature: Michael Harvey
Date: December 21, 2023

Justice Brett Kavanaugh
c/o Mr. Scott S. Harris
Office of the Clerk
The Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

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