

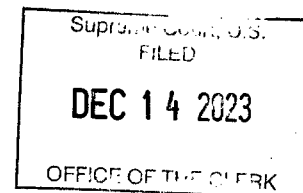
No. 23A548

In the Supreme Court of the United States

MARY M. MOONEY,
Petitioner,

v

UNITED STATES OF AMERICA,
Respondent,

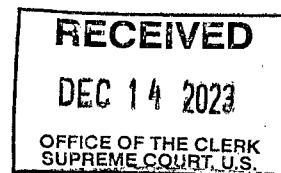


**On Application for Extension of Time to File Petition for a Writ of
Certiorari to the United States Court of Appeals for the Fourth
Circuit**

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
FOR A WRIT OF CERTIORARI**

To the Honorable John G. Roberts, Chief Justice of the Supreme Court of
the United States and Circuit Justice for the Fourth Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner Mary
Mooney, *pro se*, respectfully requests a twenty-nine-day extension of time,
up to and including Friday, January 26, 2024, to file a petition for a writ of



certiorari to the United States Court of Appeals for the Fourth Circuit to review *United States of America v Mary Mooney* , No. 23-6485 (4th Cir.).

2. The Fourth Circuit denied Ms. Mooneys' motion for rehearing en banc on September 29, 2023. The time to file a petition for a writ of certiorari will otherwise expire on December 28, 2023. Mooney is asking for an extension. The application is timely because it has been filed on or before the first business day following the date ten days prior to the date on which the petition is otherwise due.

3. The judgment of the Fourth Circuit was entered on September 29, 2023, and the opinion of the Fourth Circuit is attached.

4. The decision of the Fourth Circuit presents an important question that warrants this Court's review. In this case, the record establishes the *pro se* litigant, filed a timely motion for reconsideration through the U.S. Postal Service priority mail requiring a signature from the Clerk of Court's office. It was not controverted that the Clerk of Court received Petitioner's motion two days before the due date. Yet, the Clerk inadvertently gave the motion to the District Judge who failed to send the timely motion to be docketed.

6. Petitioner, in her appeal, objected to this assumption based on previously docketed motions mailed by Petitioner to the Court, showing evidence that supports the way Petitioner's previously docketed motions

were mailed. See examples of previously filed motions (Dkt 8, 23-6485 pg 17-22) All similar addressed motions were docketed and no motions have ever been sent to the Judge by the Clerk of Court. Petitioner has never been notified in the past 9 years of any motion that was not addressed correctly for filing.

7. Petitioner notified the Clerk of Court as well as the Judge's office several times by email and phone before the 28 day deadline that the motion needed to be timely filed.

8. The Fourth Circuit agreed with the District Court and found Petitioner's motion was not timely filed under Fed. R. Civ. P. 59(e) and considered the motion filed pursuant to Rule 60(b), (Dkt 5, 23-6485 attached).

9. The Supreme Court has instructed the federal courts to apply the standard that a pleading filed pro se is "to be liberally construed".

10. It is well established by Fed.R.App.P. 25(a)(4) Clerks Refusal of Documents. The clerk must not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rule or practice.

11. The other question concerns an issue of circuit splits relating to sentencing. Must relative conduct be illegal conduct and may district

courts find relevant conduct that has a wag-the-dog effect on the guidelines calculation by using a mere preponderance-of-evidence standard, or must the court instead apply a clear-and-convincing-evidence standard.

13. Pro se Petitioner visited her daughter out of town and was exposed to COVID and now unable to go to the law library. Initiating a writ with the Supreme Court is a significant task for legal professionals much less as a pro se litigant. Given the constraints of the holiday season and the limited time available, obtaining an extension is crucial to adequately and appropriately complete the petition.

WHEREFORE, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for twenty-nine days, up to and including January 26, 2024.

Respectfully submitted,


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