

No. 24A\_\_\_\_

---

IN THE  
**Supreme Court of the United States**

---

ANDREW GRIMM,

*Petitioner,*

v.

CITY OF PORTLAND,

*Respondent.*

---

APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR WRIT  
OF CERTIORARI FROM JUNE 30, 2025, TO AUGUST 29, 2025

---

**To the Honorable ELENA KAGAN,**  
**Circuit Justice for the Ninth Circuit:**

Pursuant to 28 U.S.C. § 2101(c) and to Supreme Court Rules 13.5, 22, and 30.3, Petitioner—Mr. Andrew Grimm—hereby respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, from June 30, 2025, to August 29, 2025.

The U.S. Court of Appeals for the Ninth Circuit issued its opinion on January 3, 2025. App.A, *infra*. It then denied rehearing on March 31. App.C, *infra*. Without an extension, the cert petition is due June 30. This Application is being filed at least 10 days prior. See Sup. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254. For the reasons detailed herein, the timeframe to submit a petition should be extended by 60 days

## Procedural Background

1. Petitioner filed suit in the U.S. District Court for the District of Oregon, asserting a violation of his procedural due-process rights on account of the failure of Respondent – the City of Portland, Oregon – to attempt to notify him of an impending government deprivation of his property rights in his vehicle (*i.e.*, via an involuntary tow and impoundment). Except via paper posting made in a location Petitioner was not (and where Respondent *knew* Petitioner was not), Respondent made no other pre-deprivation attempts to notify Petitioner of the deprivation before the involuntary tow and impoundment of the vehicle.

2. Under longstanding precedent, sole reliance upon paper posting is not a Constitutionally adequate method of attempting notice where alternatives are available, including in the context of a tow as both the D.C. Circuit and other courts have held. Notably, Petitioner was a registered user of Respondent’s own smartphone parking app and, in fact, Respondent was in communication with Petitioner via that app, using it to send him notifications about his car – just not about the tow.

3. Initially, the District Court dismissed the case under the familiar *Mathews* test. *See generally Grimm v. City of Portland*, 2018 U.S. Dist. LEXIS 63656 (D. Or. Apr. 16, 2018) (Mosman, J.). During the first appeal, a panel of the Ninth Circuit reversed, holding *inter alia* that the District Court had applied the incorrect legal test because this Honorable Court’s *Mullane* test, not the *Mathews* test, governs the sufficiency of the method used to attempt notice. *Grimm v. City of Portland*, 971 F.3d 1060 (9th Cir. 2020) (Berzon, J.).

4. On remand, the District Court re-entered summary judgment. App.B, *infra*. A different panel of the Ninth Circuit affirmed. App.A, *infra*. The Ninth Circuit purported to narrow this Honorable Court's precedents governing how notice must be provided (*Mennonite*) and also entirely overlooked an important case regarding the use of paper posting (*Greene*).

5. Petitioner sought rehearing. App.C, *infra*. In the petition for rehearing below, Petitioner again emphasized the authorities of this Honorable Court that were overlooked by the Ninth Circuit panel below. The Ninth Circuit neither granted rehearing nor amended its opinion to address those authorities in any respect despite their citation – and Petition submits meaningful emphasis – in the merits briefing and petition for rehearing.

6. Petitioner intends to petition this Honorable Court for review.

### **Reasons for Granting an Extension of Time**

7. Several reasons establish good cause and justify an extension of time to petition for cert.

8. The principal reason for an extension is that the undersigned counsel is presently on paternity leave and caring for his first-born child who was born in late April. The undersigned is a primary caretaker and is also caring for and supporting his wife, both during the period of her pregnancy and providing substantial support to her after their son was born. Caring for a newborn is an incredibly demanding endeavor and presents the principal reason for extension.

9. Moreover, even after his paternity leave, the undersigned will need to prepare the cert petition, which, done well, is a substantial undertaking. For example, the undersigned plans to review the development of the *Mullane* case law carefully, as part of preparing the cert petition, which will entail substantial research in the case authorities.

10. Furthermore, there's a fair prospect that this Court would grant certiorari, given the Circuit conflict with the D.C. Circuit, the purported narrowing of the *Mennonite* case, and the refusal to consider the *Greene* case – presenting numerous grounds for granting a cert petition. The case also implicates important questions related to how Constitutional rights to notice interface with technology and instantaneous communications. *See Taylor v. Yee*, 577 U.S. 1178, 1179 (2016) (ALITO, J., jointed by THOMAS, J., concurring in denial of cert.) (“As advances in technology make it easier and easier to identify and locate property owners, many States appear to be doing less and less to meet their constitutional obligation to provide adequate notice before escheating private property”)

11. A cert petition is a meaningful undertaking and Petitioner's counsel requests the 60-day extension of time to give the petition the full time and attention it deserves.

### **Conclusion**

For the foregoing reasons, the deadline to file a cert petition should be extended by 60 days.

Respectfully submitted,

/s/ Gregory Keenan

Gregory Keenan

DIGITAL JUSTICE FOUNDATION

81 Stewart Street

Floral Park, New York 11001

(516) 633-2633

[Gregory@DigitalJusticeFoundation.org](mailto:Gregory@DigitalJusticeFoundation.org)

[GWKeenan24@Gmail.com](mailto:GWKeenan24@Gmail.com)