

Record/FILE ON DEMAND

No.

IN THE
SUPREME COURT OF THE UNITED STATES

Nelson L. Bruce, *Petitioner*,

v.

Bank of America, N.A., *Respondent*.

ON PETITION FOR EXTENSION OF TIME TO FILE A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE UNITED STATES FROM THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT CASE NO. 22-1578

Nelson L. Bruce, Propria Persona, Sui Juris
c/o 144 Pavilion Street
Summerville, South Carolina 29483
Email:leonbruce81@yahoo.com
843-437-7901

RECEIVED
NOV 15 2023

Dear Clerk of the U.S. Supreme Court,

I, Nelson L. Bruce, the petitioner/Appellant in the above-mentioned case, respectfully request an extension of time to file a writ of certiorari with the U.S. Supreme Court.

Background

On 5-24-2022 a notice of appeal was filed in the District court of South Carolina, Charleston Division which generated appeal number 22-1578 in the 4th Circuit. On 8-31-2023 the 4th Circuit Court issued a Judgment/Order to dismiss the appeal. On 9-11-2023, I filed a motion for reconsideration in the Fourth Circuit Court to address this decision, which is still pending as of the date of this request. The court has not made a decision on this motion but has issued the mandate on 9-22-2023. It is unclear why a mandate was issued before the court made a decision on the motion for reconsideration filed related to the court's 8-31-2023 judgment/order. When I reached out to the court, I was told by the clerk that my motion is still pending and waiting for a decision by the judge even though there has been a mandate issued, that if they grant my motion, they have the capability to reverse the mandate. The decision on this pending motion is crucial in determining the subsequent steps in the appellate process.

Request for Extension

Due to the ongoing motion for reconsideration and the unresolved status of this matter in the Fourth Circuit (see...Case No. 22-1578), I respectfully request an extension of 90 days from the date the Fourth Circuit reaches a decision on the pending motion or 90 days from the date the original deadline to file a writ of certiorari which would have been 11-30-2023 with the option of requesting an additional 90 days once the court makes a determination on the motion for reconsideration. This additional time is necessary to allow for a fair review and comprehensive filing of the writ of certiorari to the U.S. Supreme Court.

Reasons for Extension

The Fourth Circuit's decision is complex and raises important legal issues. The decision involves a novel interpretation of a federal statute. The decision has far-reaching implications for other cases involving the same statute. I believe that good cause exists for

this request, as I require additional time to fully brief and argue the issues presented in this case. I have attached a copy of the motion for reconsideration that I filed in the Fourth Circuit for your reference. Granting an extension of time would not prejudice the other parties in the case. The other parties have not filed a response to the Motion for Reconsideration. The other parties would have ample time to respond to the Petition for Writ of Certiorari if the Court grants an extension of time. The Supreme Court has a strong interest in hearing this case. The case involves an important legal issue that has far-reaching implications. The Court's decision in this case would have a significant impact on the development of the law in this area.

WHEREFORE, Petitioner respectfully requests that the Court grant an extension of time of 90 days from the date that the Fourth Circuit makes a decision on the Motion for Reconsideration to file a Petition for Writ of Certiorari.

CONCLUSION

I kindly request the Court to consider this motion for an extension in accordance with the circumstances outlined above. Your favorable consideration of this request would be greatly appreciated. Please do not hesitate to contact me if any additional information is required. Thank you for your attention to this urgent matter. **Dated this 13th day of November, 2023.**

Respectfully Presented,

“Without Prejudice”



Nelson L Bruce, Appellant

“All Natural Rights Explicitly Reserved and Retained”
c/o 144 Pavilion Street, Summerville, South Carolina 29483
email: leonbruce81@yahoo.com
Ph. 843-437-7901

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-1578

NELSON L. BRUCE,

Plaintiff - Appellant,

v.

BANK OF AMERICA, N.A., a/k/a Bank of America,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. Bruce H. Hendricks, District Judge. (2:19-cv-03456-BHH)

Submitted: May 5, 2023

Decided: August 31, 2023

Before THACKER, QUATTLEBAUM, and RUSHING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nelson L. Bruce, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nelson L. Bruce appeals the district court's order denying relief on his Fed. R. Civ. P. 59(d), (e) motion. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

To appeal an order disposing of a Rule 59 motion, a party must file a notice of appeal within the time prescribed by Fed. R. App. P. 4—here, 30 days. Fed. R. App. P. 4(a)(1)(A), (a)(4)(B)(ii). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

The district court entered its order on April 20, 2022, and Bruce filed his notice of appeal 34 days later, on May 24, 2022. Because Bruce failed to file a timely notice of appeal, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

FILED: August 31, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1578
(2:19-cv-03456-BHH)

NELSON L. BRUCE

Plaintiff - Appellant

v.

BANK OF AMERICA, N.A., a/k/a Bank of America

Defendant - Appellee

J U D G M E N T

In accordance with the decision of this court, this appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed to all parties on the service list **via the: UNITED STATES POST OFFICE by the UNITED STATES POSTAL SERVICE via FIRST CLASS MAIL.** Done this 13th day of **November, 2023.**

SENT TO:

McGuire Woods LLP
Attention: T. Richmond McPherson, III
201 North Tryon Street, Suite 3000
Charlotte, North Carolina 28202
(704) 343-2009
Counsel of Record for Appellees, Bank of America, N.A.

“Without Prejudice”



Nelson L Bruce, Appellant
“All Natural Rights Explicitly Reserved and Retained”
c/o 144 Pavilion Street, Summerville, South Carolina 29483
email: leonbruce81@yahoo.com
Ph. 843-437-7901