

ORIGINAL

FILED
APR 01 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. _____

In The
Supreme Court of the United States

David Alan Carmichael and Lawrence Donald Lewis

Petitioners

v.

Marco Rubio, Secretary of State,
in his official capacity
United States
United States Department of State
Conspirators, *in their individual capacity*

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the
District of Columbia Circuit and the District Court, District of Columbia

PETITIONERS' CORRECTED MOTION FOR ENLARGEMENT OF TIME
TO DELIVER PETITION AND APPENDIX BOOKLETS

To Chief Justice, John Roberts

By

Petitioners David Alan Carmichael and Lawrence Donald Lewis, Pro Se

No. _____

**PETITIONERS' CORRECTED MOTION FOR ENLARGEMENT
OF TIME TO DELIVER PETITION AND APPENDIX BOOKLETS**

1. The Court of Appeals, District of Columbia, denied the Petitioners' petition for rehearing en bank in the Case of Carmichael, et al. v. Blinken, et al., Case No. 23-5111. The petition was denied, January 14, 2025, Doc. No. 1208698432.

2. The ninety-day deadline for the filing of our petition for a writ of certiorari is April 14, 2025, a Sunday, making the deadline for delivery April 15, 2025.

3. Timely notice of our intention to file the petition was given to both the Circuit Court of Appeals and the District Court for the District of Columbia within the thirty-day notice deadline, District Court, D.C. 1:19-cv-02316, Docket No. 160.

4. Petitioner Carmichael will deliver the original petition and its associated appendix in 8 ½ x 11 inch format for scanning by the 90 day deadline, along with the filing fee. It is unlikely that we are going to be able to print and deliver the 40 copies of the books for the court by the deadline.

5. Petitioner Carmichael initially filed a motion for enlargement of time on April 1, 2025 (Attachment 1). The filing was returned by the Clerk of Court stating that signatures from both Petitioners was required (Attachment 2).

6. Therefore, in accordance with the Rules of the Supreme Court, We move that the Supreme Court grant a 60 day deadline extension, to June 13, 2025, to accommodate the final printing and delivery of our Petition for Writ of Certiorari.

Very respectfully,



(Signature/Seal)

David Alan Carmichael
1748 Old Buckroe Road
Hampton, Virginia 23664
(757) 320-2220



(Signature/Seal)

Lawrence Donald Lewis
966 Bourbon Lane
Nordman, Idaho 83848

No. _____

In The
Supreme Court of the United States

David Alan Carmichael and Lawrence Donald Lewis

Petitioners

v.

Marco Rubio, Secretary of State, et al.

Respondents

PETITIONERS' CORRECTED MOTION FOR ENLARGEMENT OF TIME
TO DELIVER PETITION AND APPENDIX BOOKLETS

ATTACHMENT 1

IMPROPERLY SIGNED FIRST ATTEMPT

No. _____

In The
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in his official capacity
United States
United States Department of State
Conspirators, *in their individual capacity*

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the
District of Columbia Circuit and the District Court, District of Columbia

PETITIONER CARMICHAEL'S MOTION FOR ENLARGEMENT OF TIME
TO DELIVER PETITION AND APPENDIX BOOKLETS

To Chief Justice, John Roberts

By

Petitioner David Alan Carmichael, Pro Se
Without Objection from Co-Petitioner Lewis

No. _____

PETITIONER CARMICHAEL'S MOTION FOR ENLARGEMENT OF TIME TO
DELIVER PETITION AND APPENDIX BOOKLETS

1. The Court of Appeals, District of Columbia, denied the Petitioners' petition for rehearing en bank in the Case of Carmichael, et al. v. Blinken, et al., Case No. 23-5111. The petition was denied, January 14, 2025, Doc. No. 1208698432.
2. The ninety-day deadline for the filing of our petition for a writ of certiorari is April 14, 2025, a Sunday, making the deadline for delivery April 15, 2025.
3. Timely notice of our intention to file the petition was given to both the Circuit Court of Appeals and the District Court for the District of Columbia within the thirty-day notice deadline, District Court, D.C. 1:19-cv-02316, Docket No. 160.
4. I will deliver the original petition and its associated appendix in 8 ½ x 11 inch format for scanning by the 90 day deadline. It is unlikely that we are going to be able to print and deliver the 40 copies of the books for the court by the deadline. Therefore, in accordance with the Rules of the Supreme Court, I move that the Supreme Court grant a 60 day deadline extension, to June 13, 2025, to accommodate the final printing and delivery of our Petition for Writ of Certiorari.
5. My fellow petitioner, Lawrence Donald Lewis told me that he is not opposed.

Very respectfully,



David Alan Carmichael
1748 Old Buckroe Road
Hampton, Virginia 23664
(757) 320-2220

No. _____

In The
Supreme Court of the United States

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v.

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PETITIONERS' CORRECTED MOTION FOR ENLARGEMENT OF TIME
TO DELIVER PETITION AND APPENDIX BOOKLETS

ATTACHMENT 2

SUPREME COURT CLERK OFFICE LETTER
APRIL 4, 2025, RE: IMPROPER SIGNATURE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5111**September Term, 2023****1:19-cv-02316-RC****Filed On: May 30, 2024**

David Alan Carmichael and Lawrence Donald
Lewis,

Appellants

William Pakosz,

Appellee

v.

Antony J. Blinken, in his official capacity as
Secretary of State, of the United States of
America and United States of America,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Wilkins, Childs, and Pan, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, the motion to supplement the appendix, the opposition thereto, and the lodged supplemental appendix; and the unopposed motion to exceed the word limit, it is

ORDERED that the motion to supplement the appendix be denied. The documents in the lodged supplemental appendix are not part of the record on appeal. See Fed. R. App. P. 10(a) (defining contents of record on appeal). Nor have appellants shown that supplementing the record “would establish beyond any doubt the proper resolution of the pending issues” or otherwise would be “in the interests of justice.” See Colbert v. Potter, 471 F.3d 158, 166 (D.C. Cir. 2006) (citation omitted). It is

FURTHER ORDERED that the motion to exceed the word limit be granted. The Clerk is directed to file the final opening brief lodged by appellants. It is

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5111**September Term, 2023**

FURTHER ORDERED AND ADJUDGED that the district court's orders entered March 25, 2022, May 25, 2022, and March 20, 2023 be affirmed. The district court correctly concluded that appellants' receipt of valid passports mooted their claims for equitable and declaratory relief. See McBryde v. Comm. to Review, 264 F.3d 52, 55 (D.C. Cir. 2001) ("If events outrun the controversy such that the court can grant no meaningful relief, the case must be dismissed as moot."). Appellant Carmichael has not shown that reinstating his prior passport would provide him with any "meaningful relief." See id. Nor can appellants avoid mootness by alleging injury from being "harangued" by third parties, which is not an alleged injury upon which their complaint is based. See Clarke v. United States, 915 F.2d 699, 703 (D.C. Cir. 1990) (plaintiffs resisting a mootness claim "must be estopped to assert a broader notion of their injury than the one on which they originally sought relief"). Moreover, appellants' allegations of injury to third parties do not show that an exception to mootness applies. See Sands v. NLRB, 825 F.3d 778, 784 (D.C. Cir. 2016) (stating that appellant "cannot avoid mootness by asserting the rights of third parties when she herself fails to meet Article III's requirements"); see also Clarke, 915 F.2d at 704 (capable of repetition yet evading review exception requires showing of "a reasonable expectation that the same complaining party would be subjected to the same action again") (citation omitted) (emphasis added). Similarly, appellants have not shown that there remains a "substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." See Preiser v. Newkirk, 422 U.S. 395, 402 (1975) (cleaned up).

Additionally, the district court correctly dismissed appellants' claim for damages under the Religious Freedom Restoration Act ("RFRA"), 42 U.S.C. § 2000bb-1, because appellants failed to identify a waiver of sovereign immunity for that claim. See Webman v. Fed. Bureau of Prisons, 441 F.3d 1022, 1026 (D.C. Cir. 2006) (stating that "RFRA does not waive the federal government's sovereign immunity for damages").

Furthermore, Carmichael has not supported his argument that the district court abused its discretion in directing him to indicate how he would take possession of the passport that he mailed to the district court clerk's office. Carmichael has pointed to no authority that the court was required to hold his passport.

Finally, appellants have forfeited any challenge to the district court's dismissal of their claims for damages under the Privacy Act, 5 U.S.C. § 552a, and the Fifth Amendment Due Process Clause. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) ("Ordinarily, arguments that parties do not make on appeal are deemed to have been waived."). It is

FURTHER ORDERED AND ADJUDGED that the appeal be dismissed as moot as to the district court's orders entered January 20, 2021 and April 19, 2021, and as to the May 7, 2021 order entering a dispositive motions schedule. Appellants' receipt of

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5111**September Term, 2023**

valid passports means the court can provide no “meaningful relief” as to these orders. See McBryde, 264 F.3d at 55. It is

FURTHER ORDERED AND ADJUDGED that the district court’s order entered August 28, 2020 be affirmed in part and that the appeal of that order be dismissed as moot in part. Appellants have forfeited any challenge to the district court’s dismissal of their claims for damages under 42 U.S.C. § 408 and 18 U.S.C. § 241, and the order is affirmed as to the dismissal of those claims. See Gov’t of Manitoba v. Bernhardt, 923 F.3d 173, 179 (D.C. Cir. 2019) (“A party forfeits an argument by mentioning it only in the most skeletal way”) (internal quotation marks omitted). Additionally, the appeal of the order is moot insofar as the district court dismissed appellants’ claims that appellees violated 22 U.S.C. § 2721 and Executive Order 13,798, their claim that 22 C.F.R. §§ 51.60 and 51.70 are unconstitutionally overbroad in violation of the Fifth Amendment, and their claim that appellees violated the First, Fifth, and Ninth Amendments by refusing to disclose the names of the employees who were involved in reviewing appellants’ passport applications. Appellants did not assert any right to damages arising from these claims. Nor did they assert any right to equitable or declaratory relief arising from these claims other than the request for a valid passport and a declaration that the government’s passport policy was unlawful. Accordingly, any request for equitable or declaratory relief for these claims was mooted by appellants’ receipt of valid passports. See McBryde, 264 F.3d at 55.

Finally, appellants argue on appeal that they asserted a claim under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b). However, appellants waived this argument by not asserting an FTCA claim in district court. See Keepseagle v. Perdue, 856 F.3d 1039, 1053 (D.C. Cir. 2017) (“It is well settled that issues and legal theories not asserted at the District Court level ordinarily will not be heard on appeal.”) (citation omitted).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5111**September Term, 2024****1:19-cv-02316-RC****Filed On: January 14, 2025**

David Alan Carmichael and Lawrence Donald
Lewis,

Appellants

William Pakosz,

Appellee

v.

Antony J. Blinken, in his official capacity as
Secretary of State, of the United States of
America and United States of America,

Appellees

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins,
Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, which the court construes as including a motion to recall the mandate, and the absence of a request by any member of the court for a vote on the petition, it is

ORDERED that the petition be denied. It is

FURTHER ORDERED that the motion to recall the mandate be denied. The court's inherent power to recall its mandate "can be exercised only in extraordinary circumstances." Calderon v. Thompson, 523 U.S. 538, 549-50 (1998). Appellants have shown no such circumstances in this case, as they have not provided "even a hint of a suggestion" that they might succeed on the merits of their appeal. See Thomas v. Holder, 750 F.3d 899, 904 (D.C. Cir. 2014) (internal quotation marks omitted).

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5111

September Term, 2024

The Clerk is directed to accept no further filings from appellants in this closed case.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk