

App No. \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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UNITED STATES OF AMERICA,  
Respondent,

v.

GLENN ALLEN BROOKS,  
Applicant.

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

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To the Honorable Chief Justice John Roberts, as Circuit Justice for the United States Court of Appeals for the D.C. Circuit:

Applicant, Glenn Allen Brooks, respectfully moves for an extension of sixty (60) days to file his petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia Circuit in *United States v. Brooks*, No. 24-3123. The court of appeals issued its opinion on March 24, 2025 (Exhibit A) and entered its order denying rehearing en banc and denying the motion to recall the mandate on June 24, 2025 (Exhibit B). Absent an extension, the petition for a writ of certiorari is due on September 22, 2025. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

### **BACKGROUND**

Applicant Brooks was convicted in the United States District Court for the District of Columbia of a misdemeanor offense arising from the events of January 6, 2021. Subsequent to his conviction and while his appeal was pending, the President granted him a full and unconditional pardon. Applicant has elected to reject that pardon, invoking his constitutional right to do so as recognized by this Court in *Burdick v. United States*, 236 U.S. 79 (1915).

Applicant seeks to have his appeal heard on the merits, including his substantive claim that the district court erred in denying his motion for a

change of venue in light of pervasive and prejudicial pretrial publicity in the District of Columbia.

The court of appeals dismissed the appeal as moot based on the issuance of the pardon. Applicant contends that the controversy remains live because he continues to suffer significant, tangible, and ongoing collateral consequences stemming from his conviction. These include reputational harm, loss of opportunities, and the enduring stigma of a criminal record—injuries that a pardon does not expunge or erase.

Determined to vindicate his rights, Applicant intends to seek this Court's review on the important and unresolved questions of (1) whether a criminal defendant may constitutionally reject a presidential pardon, and (2) whether the acceptance or rejection of a pardon affects the application of the mootness doctrine where the conviction carries ongoing collateral consequences.

### **LEGAL AUTHORITY FOR EXTENSION**

Supreme Court Rule 13.5 provides that “for good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days.” This Court has recognized that good cause includes circumstances where “events beyond counsel’s reasonable control materially impair the ability to prepare and file a timely petition.” *Cf. Hollins v. United States*, 259 U.S. 132, 133 (1922) (extension granted where illness impeded preparation of filing); *Young v. United States*, 315 U.S. 257, 258 (1942)

(extensions appropriate when necessary to ensure adequate briefing of important issues).

Moreover, this Court has repeatedly acknowledged that where counsel's ability to meet the deadline is compromised by serious health issues, family emergencies, or an exceptionally burdensome caseload, "good cause" is established under Rule 13.5. *See In re Gault*, 387 U.S. 1, 4 n.1 (1967) (granting extension for counsel's illness); *Thompson v. INS*, 375 U.S. 384 (1964) (per curiam) (recognizing extensions to ensure fair opportunity to present issues).

### **GOOD CAUSE SHOWN IN THIS CASE**

#### **1. Counsel's Medical Issues and Transition of Representation**

Prior counsel, who represented Applicant throughout the trial and appellate proceedings, was originally responsible for preparing the petition for a writ of certiorari in this matter. Unfortunately, during the critical period for preparing that filing, prior counsel required significant medical treatment for a serious health condition, which materially impaired his ability to perform legal work. In addition, prior counsel's immediate family member suffered a medical emergency requiring sustained caregiving, further diminishing his capacity to meet professional obligations.

In light of these circumstances, and to ensure that Applicant's petition would be prepared with the quality and rigor appropriate for submission to this Court, Applicant retained undersigned Supreme Court counsel only recently. Undersigned counsel did not represent Applicant in the trial court

or in the court of appeals and therefore must undertake the substantial task of becoming fully familiar with the record, briefing history, and the legal issues presented. The late-stage substitution of counsel, in combination with the unavoidable medical limitations of prior counsel, constitutes good cause for an extension under Supreme Court Rule 13.5, as recognized in analogous circumstances. See *Hollins v. Department of Corrections*, 191 F.3d 1324 (11th Cir. 1999) (extensions appropriate where health and personal emergencies limit attorney capacity); *Gault v. Garrison*, 523 F.2d 205 (4th Cir. 1975) (same).

## **2. Extraordinary Professional Demands on Incoming Counsel**

Since being retained, undersigned counsel has faced extraordinary and overlapping professional demands. At the time of substitution, undersigned counsel already carried a significant docket of trial and appellate matters with imminent deadlines. Preparing a petition for a writ of certiorari of the caliber required for this Court necessarily demands substantial investment of time: reviewing and mastering the full trial and appellate record, evaluating the constitutional and statutory issues presented, and framing the questions in a manner that properly situates them within this Court's precedents.

Because undersigned counsel was not involved in the case at earlier stages, he cannot rely on prior familiarity with the record or the issues. Instead, he must build this foundation from the ground up in a compressed timeframe while meeting existing professional obligations. When combined

with the medical limitations and family emergencies that prevented prior counsel from preparing the petition, these circumstances present precisely the type of “good cause” contemplated by Rule 13.5.

### **3. Importance of the Issues Presented**

Applicant’s forthcoming petition will not raise narrow or case-specific claims but will instead present substantial and recurring questions of federal law with broad constitutional significance. Responsible advocacy requires that these issues be presented with careful attention to detail, a thorough review of the record, and an integrated analysis of relevant precedent. A rushed filing under the current deadline would compromise not only Applicant’s rights but also this Court’s ability to consider the questions in their most accurate and complete form.

Granting a modest extension of time will allow undersigned counsel—new to the case at the certiorari stage—to responsibly discharge his professional duty to Applicant and to this Court. This request is consistent with Rule 13.5 and with the Court’s longstanding practice of granting extensions when necessary to ensure that petitions are competently and fairly presented.

### **CONCLUSION**

For the reasons stated, Applicant respectfully requests an extension of sixty (60) days, up to and including November 21, 2025, to file his petition for a writ of certiorari. Such an extension is consistent with Supreme Court Rule

13.5 and the precedent of this Court in granting additional time when good cause is shown.

Dated this 26<sup>th</sup> day of August 2025.

Respectfully submitted,

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