

No. _____

In the
Supreme Court of the United States

JOHN F. CARBIN,

Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS, BOARD OF STATE EXAMINERS OF
PLUMBERS AND GAS FITTERS; TOWN OF SAVOY,

Respondents.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the First Circuit**

**APPLICATION TO THE HONORABLE KETANJI BROWN JACKSON,
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

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To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States for the First Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner John Carbin respectfully requests a **60-day extension** of time in which to file its petition for writ of certiorari in this Court, to and including **December 19, 2025**.

Petitioner will seek review of an opinion of the United States Court of Appeals for the First Circuit filed on July 22, 2025, attached as Exhibit A. The time to file a petition for writ of certiorari in this Court currently expires on October 20, 2025, and this application is being filed more than 10 days before that date. This Court has jurisdiction under 28 U.S.C. § 1257.

This case involves a Fourteenth Amendment challenge to a Massachusetts law that deprives people of liberty without due process of law. Massachusetts is one of the few places that fully bans homeowners from doing plumbing work on their own house. Petitioner John Carbin holds an Airframe and Powerplant Mechanics Certificate issued by the Federal Aviation Administration, meaning he's qualified by the federal government to overhaul a jet engine. Given his extensive background working on airplane engines, which involve complex plumbing systems, he asked the City Council for authorization to do his own plumbing as he builds his dream retirement home in rural Massachusetts, but they declined based on a Board of State Examiners of Plumbers and Gas Fitters regulation that limits plumbing, including plumbing in one's home, to a licensed plumber.

Mr. Carbin represented himself in the courts below, arguing that the regulation violates the Fourteenth Amendment because it deprives him of a fundamental right without due process of law. The district court dismissed Carbin's arguments that such a right is fundamental on the basis that it was not enumerated in the Constitution or previously recognized by the Supreme Court. It then ruled that, under the rational basis test, the government's bare assertions that the law protects health and safety meant that his claim was "unsupportable." The First Circuit affirmed without briefing or argument.

Mr. Carbin has obtained non-profit counsel who will petition the case on his behalf. This petition will present the Court with important constitutional questions regarding how fundamental rights are defined and how the rational basis test is applied. As recently as 2022, the Supreme Court affirmed that fundamental constitutional rights are not limited to those enumerated in the Constitution nor previously recognized by the Supreme Court. *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 234 (2022). Instead, courts must evaluate whether the asserted right is rooted in the nation's history and tradition and whether it is an essential component of ordered liberty. The district court and First Circuit did not engage with any of this history, instead concluding that the right to repair one's own property is not fundamental because "it is clearly not one of the fundamental rights identified in the Constitution or recognized by the Supreme Court." That reasoning will significantly limit the number of fundamental rights, directly contrary to Supreme Court precedent.

The First Circuit was also wrong to dismiss without identifying a particular health and safety interest or risk posed to the public, instead referencing health and safety in general. Even when applying the laxest formulations of rational basis review, the Court has still required the government to articulate *some* justification for its law, so that courts can evaluate whether law bears a rational relationship to that interest. *Cf. Romer v. Evans*, 517 U.S. 620, 632 (1996) (“[E]ven in the ordinary equal protection case calling for the most deferential of standards, we insist on knowing the relation between the classification adopted and the object to be attained.”).

Petitioner’s counsel has a substantial workload between now and the current due date of the petition. The obligations of counsel include a petition for writ of certiorari at this Court, substantial discovery obligations, and various work-related cross-country travel. Further, Petitioner’s counsel is employed by a nonprofit public interest foundation where the caseload is high and the resources are limited. Petitioner therefore requests an extension to allow counsel to fully research the issues presented and draft a petition for writ of certiorari that concisely and cogently frames the issues for the Court. The 60-day extension will work no hardship on any party, and no action is pending that could be adversely affected by the requested extension of time. Petitioner has requested no previous extension from this Court.

WHEREFORE, Petitioner respectfully requests that an order be entered extending the time to file a petition for writ of certiorari to and including **December 19, 2025**.

DATED: September 19, 2025

Respectfully submitted,



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