
No.

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW O'REILLY

Petitioner, Pro Se

v.

ADAM TSOTTLES and WASTE MANAGEMENT,
Respondents

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI

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Petitioner

TO THE HONORABLE JOHN G. ROBERTS, JR.
CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES
AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT

Pursuant to Supreme Court Rules 13.5, 22, and 30, I respectfully request an extension of time to re-file my Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit to review that court's decision in *Matthew O'Reilly v. Adam Tsottles & Waste Management*, 21-1194, (4th Cir. 2021).

I hand-delivered the printed copies of the Petition to the Court within an hour of receiving them on 05 December. The writing of the Petition was finished before the deadline, but due to errors by the printers (and compounded by personal illness), the booklets and associated papers required multiple re-printings in the final week and arrived late. Service on Respondents was nevertheless timely, and the Clerk acknowledged personal possession of the Petition within the Rule 29.2 three-day courier grace period. Granting this extension will cause no unfair prejudice to Respondents, and I am prepared to re-file immediately.

The jurisdiction of this Court for the Petition is invoked under 28 U.S.C. §1254(1). Your Honor has the authority and jurisdiction to grant this extension until 01 February 2024 under Rule 13.5 and 28 U.S. Code § 2101(c), though I request only until 22 December (or any date the Court finds reasonable) to re-file.

1. The Petition presents a substantial and important question of Constitutional and procedural law: whether District Courts and Courts of Appeal are permitted to knowingly and deliberately disregard or ignore precedent from this Court and state High Courts when adjudicating *pro se* cases. I ask the Court to

grant this minor (although admittedly extraordinary) extension to address the lower Courts' fundamental and far-reaching error.

Below, citing only local "custom" and its own unreported opinions as precedent, the District Court of Maryland dismissed this case in its entirety, stating – without notice and with prejudice – that I, a first-time *pro se* plaintiff, "abandoned" twenty-five causes of action I did not re-plead in response to a motion to dismiss, *even though* I had already fully pleaded the facts and allegations in the complaint. It dismissed the remaining causes of action as time-barred, citing case law from 2004 that this Court over-ruled in 2010. Reconsideration and leave to amend were both denied.

The District Court has used "abandonment" to dismiss all or part of more than a dozen cases; in just the last three years, it has cited its opinion in *this* case as sole approving authority on at least nine occasions, even as it was being appealed.

The Fourth Circuit, also disregarding its own and this Court's precedent, upheld the dismissal with a single sentence: "We have reviewed the record and find no reversible error." It then denied re-hearing without comment.

2. I had planned to file my Petition more than a week before the deadline, but a severe respiratory illness substantially impeded my ability to do so. In addition, the booklets had to be re-printed several times due to errors by two separate printers. At the eleventh hour, the first could unexpectedly not perform the task; and despite attesting delivery ability by 01 December, the second printer did not complete printing until 05 December, the day I filed.

3. I sincerely thought I had filed on time. Until the Clerk of this Court returned my filings to me, undocketed, I was not aware that I had missed the filing deadline by a single day. Denial of re-hearing by the Fourth Circuit was sent to me by mail on 05 September, and I calculated 05 December as Day 90. While I do not doubt that the Clerk's interpretation is correct, the combined wording of Rules 13.1 and 30.1 is ambiguous and confusing to a lay person¹.

I understand that extensions are disfavored and rarely granted, but I humbly plead that you allow me to re-file my Petition. Ultimately, the just and fair disposition of this entire matter hinges on Your Honor's clemency and discernment.

If you cannot see yourself to that end, I implore you to read the text of the Petition itself so that you might at least be aware of the persistent and continuing injustices below. Even if it is too late for my work over the past six years to be of any benefit to me, please do not let it be of benefit to no one.

Thank you, most sincerely, for your time and consideration.

Respectfully submitted this 18th day of December, 2023.

/s/
Matthew O'Reilly, *Petitioner Pro Se*

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¹ For example, I reasoned that "within two days after" the 5th would mean by the 7th, but "within two days after, but not including" the 5th would mean by the 8th. Thus, "within 90 days after [13.1], but not including [30.1]" 05 September would include 05 December, the date I filed.

APPENDIX

As filed on 05 December, the full text of my Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit in *Matthew O'Reilly v. Adam Tsottles & Waste Management*, 21-1194, (4th Cir. 2021) follows.