

PAUL J. HETZNECKER

Attorney at Law
1420 Walnut Street Suite 911
Philadelphia, PA 19102

(215) 893-9640
FAX (215) 893-0255
E-MAIL phetznecker@aol.com

November 21, 2023

SENT VIA ELECTRONIC FILING

Scott Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

RE: Michael Boresky v. Jeremy Graber
No. 23-384

Dear Mr. Harris:

Pursuant to Rule 30.4 of the Rules of the Supreme Court of the United States, Respondent, Jeremy Graber respectfully requests a 60-day extension of time to file a Brief in Opposition to the Petition for Writ of Certiorari filed on October 6, 2023. On November 13, 2023, the Court ordered Respondent to file a Brief in Opposition Brief, currently due on December 13, 2023. Counsel needs additional time to review the issues and draft the Brief in Opposition. Counsel has not previously requested an extension. Counsel for Respondent submits the following in support of the request for an extension:

For the better part of August and all of September, Counsel for Respondent was preparing the defense in the case of United States v. Daniel Ray Lane, a complex criminal trial in Eastern District of Pennsylvania (No. 20-254). Jury selection in that case was scheduled to commence on September 25, 2023, however, because of various logistical issues the trial was delayed. Jury selection began on October 11, 2023 and concluded last week on November 15, 2023.

Immediately following the conclusion of that trial counsel for Respondent began preparing for two federal criminal trials both scheduled in January 2024, in the Eastern District of Pennsylvania. Jury selection in the first trial, United States v. Rifai, (No. 22-390) is scheduled to commence on January 9, 2024. That case is expected to last two weeks. Jury selection in the second trial, United States v. Makarova, (No. 19-518), is scheduled to begin on January 22, 2024, and involves multiple defendants. That case is expected to last 3-4 weeks.

In addition to the above, and in addition to the upcoming Thanksgiving and winter holidays, Counsel for Respondent is in the process of preparing a Certificate of Appealability to the Third Circuit Court of Appeals, and must file a response to a Motion to Dismiss pursuant to

Rule 12(b)(6) in a prison suicide case against the City of Philadelphia, *Buoncristiano v. Carney et al.* (No. 23-cv-2588). The response in that case is due on January 2, 2024.

Counsel for the Petitioner opposes Respondent's request for a 60-day extension. It should be noted that Counsel for the Petitioner sought and received a 60-day extension from this Honorable Court to file a petition for certiorari, based on the representation that he faced several imminent appellate deadlines. In submitting this 60-day extension Counsel for Respondent is requesting the same consideration provided to Counsel for the Petitioner. In the alternative, Respondent requests a 45-day extension to file the Brief in Opposition.

I appreciate this Court's attention and consideration.

Sincerely,

/s/ Paul J. Hetznecker

Paul J. Hetznecker, Esq.

cc: Neal Kumar Katyal, Esquire
Attorney for Petitioner, Michael Boresky
Served by email