

Application for Enlargement of Time to File Petition  
for Writ of Certiorari in CA5 22-11099

No. A

Yoel Weisshaus,

*Applicant,*

vs

Steve Coy Teichelman and 100th Judicial District,

*Respondent.*

Yoel Weisshaus deposes and states as true under the laws prohibiting perjury:

1. I am the plaintiff-appellant in the matter of *Yoel Weisshaus, v. Steve Coy Teichelman, 100th Judicial District*, No. 22-11099 (5th Cir.).

2. The deadline for filing a petition for a writ of certiorari is May 13, 2024. Your affiant respectfully requests an enlargement of time to allow filing such petition by July 12, 2024.

3. The decision for the Court of Appeals for the Fifth Circuit was issued on February 14, 2024. (Exhibit A). There was no motion for rehearing. This 42 U.S.C. 1983 action was filed on March 2, 2022, and the last defendant was dismissed on October 27, 2022. The notice of appeal was filed November 9, 2022.

4. The necessity for an enlargement of time to file such a petition arises from the gravity of the issues that bring this case before the Court, making it impossible to complete the filing by May 13, 2024.

5. This District Court accepted the notion advance by Steve Teichelman that a male driver who is

from out of state (New Jersey), traveling in Texas with an “African American” woman having “no familial connection,” created reasonable suspicion of narcotics because the two friends passed through I-40 in Texas without disclosing their itinerary in Arizona.

6. When the Fifth Circuit was briefed that it is not reasonable suspicion of a crime the association with an African American, the Fifth Circuit replaced the words African American with “appeared” and described the circumstances of reasonable suspicion that the woman “appeared to be considerably younger with no familial connection” to the driver.

7. There are at least three issues that require meticulous briefing and require more time to do so adequately. First, in a usual motion for summary judgment under Federal Rules of Civil Procedure, Rule 56(a), the burden of proof is on the movant. The Fifth Circuit part ways with this Court in *Tolan v. Cotton* 572 U.S. 650, 656-7 (2014) and holds that a qualified immunity defense alters the usual summary judgment burden of proof and automatically places the burden on the plaintiff. This departure continues post *Tolan* in all cases involving qualified immunity.

8. Second, there is a circuit conflict. The Ninth, Seventh, and Second Circuits hold that broad profiles that can fit any number of individuals cannot create individualized reasonable suspicion of a crime. The Fifth Circuit conflicts with the Ninth, Seventh, and Second Circuits and held that “Appellant was traveling on I-40, a known drug highway, with a woman who ‘appeared to be younger’ and had no familial connection” is subject to a “debate” of whether there is reasonable suspicion of a crime.

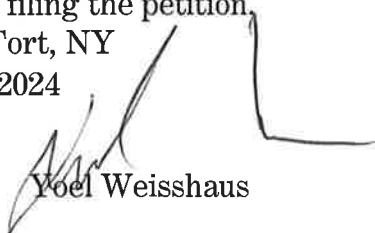
9. Third, at least two active associate justices of the Court (in addition to late justices) have called into

question the grounds of qualified immunity. The petition intends to brief the Court on the conflicts that qualified immunity has with other constitutional dogmas that have previously not been addressed by the Court. Such as, the separation of powers and equal protection.

10. These issues to properly brief them is taking more time than your affiant originally expected. With the pause of the Passover holiday that started April 22, 2024, and ended April 30, 2024, your affiant was set back even further. Your affiant foresees not being able to complete filing the petition by May 13, 2024.

11. Wherefore, your affiant prays that the Court grant an enlargement of time until July 13, 2024, as the latest date for filing the petition.

Dated: Forty Fort, NY  
May 2, 2024



Yoel Weisshaus

Affirmed before me on the 2<sup>nd</sup> day of May 2024:

