

No. 23-7393

IN THE
SUPREME COURT OF THE UNITED STATES

GREGORY SHAWN MERCER,
Petitioner,

versus

COMMONWEALTH OF VIRGINIA & COUNTY OF FAIRFAX
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF VIRGINIA

APPLICATION FOR ENLARGEMENT OF TIME IN ACCORDANCE WITH
SCOTUS RULES 13.5, 22.3, & 39.8 TO CIRCUIT JUSTICE JOHN G.
ROBERTS, JR.

SCOTUS RULE 29 CERTIFICATE OF SERVICE (at the End)
(28 U.S.C. §2403(b) MAY APPLY)

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**APPLICATION FOR ENLARGEMENT OF TIME IN ACCORDANCE WITH
SCOTUS RULES 13.5, 22.3, & 39.8 TO CIRCUIT JUSTICE JOHN G.
ROBERTS, JR.**

Petitioner requests this SCOTUS Rule 13.5 relief of up to 60 days for two reasons: 1) the death of his sister on 09/21/2024 with memorial services incorporated into his nephew's Renaissance Wedding on 10/26/2024; and 2) efforts to get his autistic daughter into Fairfax County Public School Preschool Autism Classroom (hereafter "FCPS PAC") beginning 09/23/2024 and receiving Applied Behavior Analysis (hereafter "ABA") Therapy through Autism Reimagined Center (hereafter "ARC") beginning 10/17/2024 following a Fairfax County Juvenile and Domestic Relations Court Order (hereafter "FCJ&DR") dated 09/09/2024. That 09/09/2024 FCJ&DR Order gave Petitioner Sole Legal Custody of his three-year-old daughter necessary to enroll his daughter in FCPS PAC and use the services of ARC over the objections of the mother of the child. The mother of the child has fears secondary to a horrible childhood during ten or more years in foster care. These fears are so great that mother attempted suicide after Court on 09/09/2024 and is in therapy for post-partem depression.

On 02/02/2024, the Supreme Court of Virginia (hereafter "SCV") issued a Final Order in 11/01/2023-stayed SCV Record No. 230354 after this SCOTUS with Jurisdiction invoked through 28 U.S.C. §1651(a) had *denied mandamus* on 11/20/2023 then *denied rehearing* on 01/16/2024 in SCOTUS Case No. 23-5643. Petitioner had been granted leave to proceed *in forma pauperis* for SCOTUS Case No. 23-5643 on 11/20/2023. In accordance with SCOTUS Rules 13.1, 39.1, & 39.2, Petitioner timely filed this SCOTUS Case No. 23-7393 "Petition for Writ of Certiorari to the SCV" invoking Jurisdiction through 28 U.S.C. §1257(a) preceded with a "SCOTUS Motion for Leave of Court to Proceed *In Forma Pauperis*" on the 90th day being 05/02/2024. Although Petitioner had filed a 04/17/2024 "Application to the Circuit Justice for the Supreme Court of Virginia (John G. Roberts, Jr.) for a 60-day Extension to File (SCOTUS Rule 13.5)," Petitioner was able to timely file SCOTUS Case No. 23-7393 on the 90th day being 05/02/2024. Thereafter, this SCOTUS scheduled SCOTUS Case No. 23-7393 for conference on 09/30/2024.

On 09/21/2024, Petitioner's 64-year-old sister Keren Beth Mercer committed suicide in Oregon. Petitioner was informed at a family gathering with his 94-year-old mother Genevieve Mercer at his mother's Assisted Living Facility near Petitioner's home on 09/27/2024. The Petitioner's brother and family decided to have a memorial service for Petitioner's sister incorporated into a very private Renaissance Wedding for Petitioner's nephew already scheduled for 10/26/2024. Petitioner's sister's costume will be displayed. Petitioner and his mother were then invited to the very private Renaissance Wedding and tasked with creating/buying a

costume. On 10/07/2024, grieving Petitioner and his mother ordered costumes through "Light In The Box" which costumes arrived on 10/17/2024. Alterations will need to be done to Petitioner's boots and his mother's dress within eight days. Also, Petitioner will need a scroll of the 1604 "An Acte against Conjuratiō Witchcraftē and dealing with evill and wicked Spirits." Petitioner has a copy of "Demonology" by King James I and a plastic sledge hammer.

On 10/07/2024, Petitioner's 05/02/2024 "SCOTUS Motion for Leave of Court to Proceed *In Forma Pauperis*" was denied. Petitioner was given until 10/28/2024 to refile his "Petition for Writ of Certiorari to the SCV."

Petitioner seeks relief so that he might stabilize his three-year-old daughter's half-day FCPS PAC, two-hour nap, then half-day ARC Therapy schedule with the mother of the child while completing costumes and getting his mother to Petitioner's nephew's Renaissance Wedding/Petitioner's sister's Memorial Services on 10/26/2024. Petitioner applies for at least a 30-day enlargement of time hoping for a full 60 days to reformat and print his 05/02/2024 "Petition for Writ of Certiorari to the SCV." Petitioner will have to re-type Court Orders at least then finally get a job driving trucks again. Petitioner's finances are a wreck.

Attachments: 1) 09/09/2024 FCJ&DR Order; 2) Sister's Obituary; 3) Renaissance Wedding Invitation, and 4) 10/07/2024 SCOTUS Order denying 05/02/2024 "SCOTUS Motion for Leave of Court to Proceed *In Forma Pauperis*."

Respectfully Submitted,



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**SCOTUS RULE 29 CERTIFICATE OF SERVICE
(28 U.S.C. §2403(b) MAY APPLY)**

I CERTIFY that I mailed certified true copies of the foregoing "Application for Enlargement of Time in Accordance with SCOTUS Rules 13.5, 22.3, & 39.8 to Circuit Justice John G. Roberts, Jr." to counsel for: 1) the Commonwealth of Virginia being Katherine Q. Adelfio; 2) the County of Fairfax being Fairfax

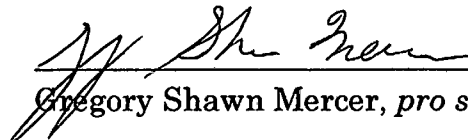
Commonwealth's Attorney Steve Descano; and 3) the Attorney General of Virginia being Jason Miyares because 28 U.S.C. §2403(b) may apply at the following addresses:

Katherine Q. Adelfio (VSB No. 77214)
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I DECLARE under penalty of perjury that the foregoing "Application for Enlargement of Time in Accordance with SCOTUS Rules 13.5, 22.3, & 39.8 to Circuit Justice John G. Roberts, Jr." is true and correct. I am executing this document on October 18, 2024.



Gregory Shawn Mercer, *pro se*

**Additional material
from this filing is
available in the
Clerk's Office.**