

No. _____

In the Supreme Court of the United States

NICHOLAS PAUL SOMBERG,
Petitioner,

v.

KAREN MCDONALD,
Respondent.

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

To the Honorable Brett M. Kavanaugh, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Petitioner Nicholas Paul Somberg respectfully requests a 60-day extension of time, to and including, Monday, April 15, 2025, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Sixth Circuit issued its opinion on August 28, 2024. A copy of the opinion is attached as Exhibit A. The Sixth Circuit denied Petitioner's timely rehearing petition in an order issued on October 11, 2024. A copy of the order is attached is attached as Exhibit B. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on January 9, 2025. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case.

3. Petitioner respectfully requests an extension of time to file a petition for a writ of certiorari.

4. While this case overall concerns a First Amendment right to be free from governmental punishment as well as the threat of governmental punishment when recording or photographing livestreamed broadcasts of Michigan legal proceedings, see *Soderberg v. Carrión*, 999 F.3d 962 (4th Cir. 2021), the issue to be presented involves pre-enforcement standing.

5. Appellee, the government prosecutor, tried to punish and jail Somberg when he made such a digital capture by charging him with criminal contempt.

6. When the criminal charge was dismissed for the prosecutor's procedural shortcomings, he sued days later in federal court alleging he was the ideal person to challenge the constitutionality of this infirm criminalized prohibition as he did the act prohibited, it was attempted to be enforced against him, and he would be, desires to be, and will be doing it again.

7. Contrary to its own standards within the Sixth Circuit and as an outlier to the sister Circuits, the two-judge majority held that Petitioner lacks pre-enforcement standing to challenge a criminal prohibition whose mere existence chills First Amendment protected activities.

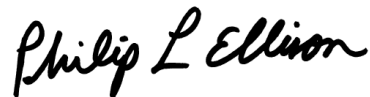
8. Petitioner believes and asserts that review is warranted by this Court.

9. A sixty (60) day extension would allow Petitioner sufficient time to fully prepare the needed petition for filing. Additionally, undersigned counsel has a number of other pending matters with proximate due dates that will interfere with counsel's ability to file the petition on or before current due date.

Wherefore, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including Monday, March 10, 2025.

December 5, 2024

Respectfully submitted,



Philip L. Ellison
OUTSIDE LEGAL COUNSEL PLC
PO Box 107
Hemlock, MI 48626
(989) 642-0055
pellison@olcplc.com

Counsel for Petitioner