

Todd White

29155 Northwestern Hwy #512

Southfield, Michigan 48034

January 10, 2025

The Honorable John G. Roberts, Jr.

Chief Justice of the United States

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

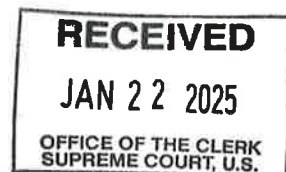
Re: Extension of Time White v. ACell Inc.,

Dear Chief Justice Roberts:

I, Todd White, am writing as a pro se filer to respectfully request a 60-day extension of time under Rule 13.5 to file a petition for a writ of certiorari in the case of Todd White, Plaintiff-Appellant v. ACell, Inc., Defendant-Appellee, Fourth Circuit Court Docket No. 22-2198.

The current deadline for filing is January 13, 2025. I am seeking an extension to March 14, 2025, for the following reasons:

1). On November 11, 2024, I discovered that I had become a victim of identity theft, which has created significant personal and financial complications.



2). I recently experienced the unexpected death of a beloved family member, which has caused considerable emotional distress and necessitated my attention to various family matters.

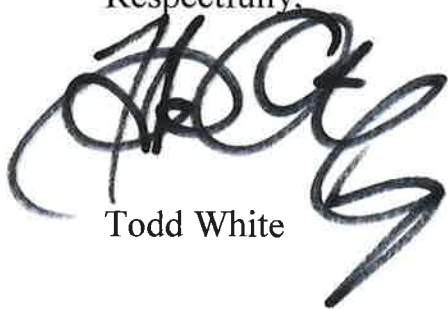
3). The combination of these events has exacerbated my financial difficulties and led to personal health issues, significantly impacting my ability to prepare the petition within the original timeframe.

These unforeseen circumstances constitute good cause for the requested extension. The additional time will allow me to address these personal matters and properly prepare the petition for this esteemed Court's consideration.

As required, I have enclosed a copy of the Fourth Circuit Court's opinion and the order regarding rehearing.

I sincerely appreciate your consideration of this request. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Todd White', with a large, stylized flourish extending from the bottom right.

Todd White

Enclosures:

1. Copy of lower court's opinion
2. Order regarding rehearing

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FILED: October 16, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-2198
(1:20-cv-00173-GLR)

TODD WHITE

Plaintiff - Appellant

v.

ACELL, INC.

Defendant - Appellee

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under [Fed. R. App. P. 35](#). The court denies the petition for rehearing en banc.

For the Court

/s/ Nwamaka Anowi, Clerk

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-2198

TODD WHITE,

Plaintiff - Appellant,

v.

ACELL, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
George L. Russell, III, Chief District Judge. (1:20-cv-00173-GLR)

Submitted: May 21, 2024

Decided: September 16, 2024

Before RUSHING and BENJAMIN, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Todd White, Appellant Pro Se. Tonecia Resheia Brothers-Sutton, Donald Eugene English, Jr., Kathleen A. McGinley, JACKSON LEWIS PC, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Todd White appeals the entry of judgment in favor of ACell, Inc., following the district court's grant of summary judgment and a jury verdict in ACell's favor on White's claims. Liberally construing White's informal brief,¹ *see Wall v. Rasnick*, 42 F.4th 214, 218 (4th Cir. 2022), he argues that the district court abused its discretion in making certain evidentiary rulings; that he was prejudiced by the jury's exposure to unadmitted evidence; that the jury's verdict on his retaliation claim under the False Claims Act, 31 U.S.C. §§ 3729-3733 (FCA), is against the weight of the evidence; that he was prejudiced by certain statements ACell made in its closing argument; that the district court erred by excusing an ill juror during trial; and that the district court should have removed certain jurors who fell asleep during the trial.²

We have reviewed the record and discern no reversible error. The district court acted within its discretion as to the challenged evidentiary rulings and, to the extent the court erred by not giving a curative instruction regarding certain letters introduced at trial, any error was harmless. *See Burgess v. Goldstein*, 997 F.3d 541, 559, 561 (4th Cir. 2021)

¹ Following the completion of briefing, White moved to file an amended informal brief. We deny that motion.

² White has not properly raised any other issues for our consideration in this appeal. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (limiting our review to issues raised in informal brief); *see also Grayson O Co. v. Agadir Int'l LLC*, 856 F.3d 307, 316 (4th Cir. 2017) ("A party waives an argument by failing to present it in its opening brief or by failing to develop its argument—even if its brief takes a passing shot at the issue." (cleaned up)); *United States v. Smalls*, 720 F.3d 193, 197 (4th Cir. 2013) (recognizing "that new arguments cannot be raised in a reply brief").

(stating standard of review). Although White seeks to argue that the jury's verdict is against the weight of the evidence, he forfeited this argument by failing to move for judgment as a matter of law pursuant to Fed. R. Civ. P. 50 or for a new trial under Fed. R. Civ. P. 59. See, e.g., *Dupree v. Younger*, 598 U.S. 729, 735 (2023); *Belk, Inc. v. Meyer Corp.*, U.S., 679 F.3d 146, 155-60 (4th Cir. 2012). White's challenge to ACell's closing argument similarly is not preserved for appeal, and our review of the record does not reveal any exceptional circumstances that warrant our consideration of this issue. See *Dennis v. Gen. Elec. Corp.*, 762 F.2d 365, 366-67 (4th Cir. 1985). Assuming White properly preserved his argument regarding the jury's exposure to unadmitted evidence, he has not shown he was prejudiced by the error. See *Hinkle v. City of Clarksburg*, 81 F.3d 416, 427 & n.6 (4th Cir. 1996). Finally, White has not established that the district court fundamentally erred by excusing an ill juror from trial, see Fed. R. Civ. P. 47(c), or by failing to remove any inattentive jurors, see *United States v. Freitag*, 230 F.3d 1019, 1023-24 (7th Cir. 2000).

Accordingly, we deny White's motion to file an amended informal brief and affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED