

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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September 06, 2022

Brian James Springer
U.S. Department of Justice
950 CONSTITUTION AVE NW
WASHINGTON, DC 20530-0001

Appeal Number: 22-11532-BB
Case Style: Lucas Wall v. Centers for Disease Control and Prevention, et al
District Court Docket No: 6:21-cv-00975-PGB-DCI

Please take notice that the following motion has been filed:

*MOTION for reconsideration of single judge's order entered on 08/18/2022 filed by Lucas Wall.
Motion is Opposed. [9751816-1] [22-11532]*

Any response which a party wishes to file must be received by this office on or before
September 12, 2022, after which the motion and the response will be forwarded to the court for
ruling without oral argument.

Copies of the court's decision will be sent to all counsel and to pro se parties.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: T. Richardson, BB
Phone #: (404) 335-6174

Enclosure(s)

MOT-1 Motion filed letter

**UNITED STATES COURT OF APPEALS
FOR THE 11th CIRCUIT**

LUCAS WALL,	:	
	:	
Appellant,	:	
	:	
v.	:	Case No. 22-11532-BB
	:	
CENTERS FOR DISEASE	:	
CONTROL & PREVENTION <i>et al.</i>	:	
	:	
Appellees.	:	

**APPELLANT’S APPEAL TO FULL COURT OF SINGLE-
JUDGE’S DECISION GRANTING APPELLEES’
MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

COMES NOW appellant, *pro se*, and appeals to the full court pursuant to FRAP 27(c) the Aug. 18 Order signed by Circuit Judge Jill Pryor granting the government appellees’ motion for an excessive amount of additional time to file their brief. “The court may review the action of a single judge.” FRAP 27(c).

On Aug. 5, 2022, the government appellees moved for 45 extra days to file their brief despite the fact they had just *de facto* received an extra 35 days. I filed an opposition the same day. The appellees did not file a reply. On Aug. 18, Judge Pryor granted the motion with no explanation, including no dis-

cussion of the points I raised in opposition. There is no good cause for granting the government's extraordinary amount of additional time to file its brief in this case.

I attach the original motion and incorporate its arguments into this appeal to the full court of the action taken by the single judge.

WHEREFORE, I request this Court issue an order vacating Judge Pryor's Aug. 18 single-judge order and deny the appellees' motion for an extension of time to file their brief.

Respectfully submitted this 1st day of September 2022.

Lucas Wall

Lucas Wall, appellant
3601 Cosmos Way
The Villages, FL 32163
Telephone: 202-351-1735
E-Mail: Lucas.Wall@yahoo.com

CERTIFICATE OF INTERESTED PERSONS

I certify that the CIP I filed with my opening brief in this case Aug. 1, 2022, is correct, complete, and unchanged.

CERTIFICATE OF COMPLIANCE

I certify that this appeal motion complies with the requirements of FRAP 27(d) because it has been prepared in 14-point Georgia, a proportionally spaced font, and it conforms with the limit of 5,200 words because this document contains 191 words, according to Microsoft Word (excluding sections not counted pursuant to FRAP 32(f)).

**UNITED STATES COURT OF APPEALS
FOR THE 11th CIRCUIT**

LUCAS WALL,	:	
	:	
Appellant/Plaintiff,	:	
	:	
v.	:	Case No. 22-11532-BB
	:	
CENTERS FOR DISEASE	:	
CONTROL & PREVENTION <i>et al.</i>,	:	
	:	
Appellees/Defendants.	:	

**APPELLANT’S OPPOSITION TO GOVERNMENT’S MOTION
FOR 45-DAY EXTENSION OF TIME TO FILE ITS BRIEF**

COMES NOW appellant, *pro se*, and opposes the government’s extraordinary request for an additional 45 days to file its brief beyond the 35-day *de facto* extension it has already received. The government appellees are thus asking the Court for a whopping 80 additional days to file its brief in this case beyond the 30 days permitted by rule for a total of 110 days.

As the appellees note, I filed my opening brief June 27 after receiving a 14-day extension. That made the government’s brief due July 27. However, the Court did not decide my motion to exceed word limit, filed June 22, until July 11 – two weeks after I submitted my brief. I was ordered July 11 to refile a shorter brief by Aug. 1 and the Court dismissed as moot the government’s

motion for a 30-day extension of time to file its brief since the effect of the court order was to delay the case by 35 days. With my short brief deadline set for Aug. 1, the government's brief deadline was thus moved to Aug. 31 – five additional days beyond the 30 it requested in the motion filed July 8.

I filed my reduced brief July 31.¹ Now suddenly the government wants *another* extension of 45 days, 10 days longer than the extension it already received as a result of the order that I had to refile a shorter brief.

The government has already had since June 27 to prepare its brief. My shorter brief contained the same exact arguments as my original brief, with each section trimmed. There is no justification for the government's motion except to create unnecessary delay in this case that impacts not just myself but an estimated 34 million Americans who board mass-transit conveyances every day, according to the American Public Transportation Association²,

¹ The government's motion falsely contends "Notwithstanding the certificate of compliance, the corrected brief appears to contain nearly 19,000 words." Appellees, perhaps in an effort to inflame the Court, apparently are counting sections that the 13,000-word limit does not apply to. I complied with the Court's single-judge order to reduce my brief by 5,000 words as clearly evidenced by the shorter version totaling 125 pages vs. 146 in the original version.

² <https://www.apta.com/news-publications/public-transportation-facts>

and the more than 2 million Americans who fly commercially daily, according to the Transportation Security Administration (“TSA”).³ Also, ground public transportation employs more than 448,000 people and U.S. airlines have more than 600,000 full-time workers.⁴ It’s hard to imagine a lawsuit whose outcome will affect more Americans every single day than this one.

The government’s position is especially untenable since it is prosecuting an appeal in a case related to this one regarding the legality of the Federal Transportation Mask Mandate. *Health Freedom Defense Fund v. Biden*, No. 22-11287. Its brief in that case was filed back on May 31. Notably in the case where the government is the appellant instead of the appellee, it did not need an extension of time.

The government thus 1) filed a brief in a similar case before this same Court more than two months ago; 2) has already received a *de facto* 35-day extension of time to file its brief in this case, which was originally due July 27; and 3) only cites the facts that its counsel are working on other cases and have time off planned as good cause for a staggering additional 45-day delay in this appeal.

³ <https://www.tsa.gov/coronavirus/passenger-throughput>

⁴ <https://www.statista.com/topics/4254/employment-in-the-us-aviation-industry>

It appears the Department of Justice is asking this Court to throw it a lifeline because it hasn't managed its personnel properly. The Court should reject that effort. Government counsel in this case, who are the same as in the related case *Health Freedom Defense Fund*, already had the advantage of a large head start in preparing its brief in this matter since the related brief was filed May 31 addressing many of the same arguments I make in this appeal.

Another concern is that the Court might wish to consolidate this appeal with *Health Freedom Defense Fund* given the similar issues. As the government notes in its motion, its reply brief in that case is due Aug. 29, meaning all briefing will be completed on that date. Should the Court grant the government's exceptional request for another 45-day delay in this case, that would mean my reply brief would not be due until Nov. 4, placing briefing completion more than two months behind *Health Freedom Defense Fund*, potentially impacting the timely adjudication of that appeal as well.

Finally, if the Court should excuse the government's mismanagement of its resources, any extension of time to file the appellees' brief in this case should be limited to 14 days – the length of counsel Brian Springer's upcoming vacation and the amount of days I received as an extension to my opening brief's deadline.

WHEREFORE, I request this Court issue an order denying the government's motion to extend its time to file a brief by 45 days.

In the alternative, at the most the Court should grant no more than a 14-day extension.

Respectfully submitted this 5th day of August 2022.

Lucas Wall

Lucas Wall, appellant
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E-Mail: Lucas.Wall@yahoo.com

CERTIFICATE OF INTERESTED PERSONS

I certify that the CIP I filed with my shortened opening brief July 31, 2022, is complete and accurate.

CERTIFICATE OF COMPLIANCE

I certify that this opposition complies with the requirements of FRAP 27(d) because it has been prepared in 14-point Georgia, a proportionally spaced font, and it conforms with the limit of 5,200 words because this document contains 770 words, according to Microsoft Word (excluding sections not counted pursuant to FRAP 32(f)).