

No. _____

In the
Supreme Court of the United States

Wilson J. Soto Nieves
Maritza G. Rivera, et al.,

Applicants,

v.

Department of the Family of the Commonwealth of PR, et al.,

Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI

To the Honorable Stephen G. Breyer
Associate Justice of the United States Supreme Court
and Circuit Justice for the First Circuit

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Partnership comprised by both of them*

**To the Honorable Stephen G. Breyer, Associate Justice of the United States Supreme Court
and Circuit Justice for the First Circuit:**

Applicants, Wilson J. Soto Nieves, Maritza G. Rivera and the Conjugal Partnership comprised by both of them (“Soto Nieves”), respectfully request an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The current deadline for Soto Nieves to file their petition is April 18, 2019. For good cause set forth herein, Soto Nieves ask that this deadline be extended by thirty (30) days, that is, until Monday, May 20, 2019 (Sup. Ct. R. 30.1).

Brief Description of the Case and Opinions Below

This case arises from a petition Soto Nieves made to the Department of the Family of the Commonwealth of Puerto Rico (“Department of the Family”) to receive copy of a complaint and related information as to a report of neglect concerning the welfare of their minor child which was found to be without grounds. Under the applicable statute, the information submitted to the Department of the Family, as well of the identity of the person supplying the information, is confidential, except in cases of unfounded reports in which, knowingly, the information offered was false.

The Department of the Family issued a decision in which it denied the information request upon the sole basis that the report was deemed without grounds and not unfounded but did not disclose the basis of said determination. After a timely petition for judicial review, the Court of Appeals of the Commonwealth of Puerto Rico (“Court of Appeals”) affirmed the decision on the basis that all the information submitted under the applicable statute was confidential, contrary to the text of the statute, and did not substantially address the fact that the basis of the Department of the Family’s decision was not disclosed.

A timely petition for a writ of certiorari was filed with the Puerto Rico Supreme Court, which denied the petition to review the Court of Appeals' Judgment. Two motions for reconsideration were filed, as allowed, and both were denied.

Certified translations from the Spanish language of the Judgment and Opinion of the Puerto Rico's Court of Appeals, as well as the orders denying the motion for reconsideration to the Court of Appeals, the Petition for Certiorari to the Puerto Rico Supreme Court and motions for reconsideration to the Puerto Rico Supreme Court are attached herein.

Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 1258.

Reasons Extension is Justified

1. Soto Nieves will argue to this Court that the Judgment and Opinion of the Court of Appeals resulted in a violation of their rights of due process of law under the fourteenth amendment of the United States Constitution. Due process requires that the denial of the requested information had to be based on the administrative record, applicable parts of which had to be made available to sustain the decision and to allow for meaningful judicial review. If allowed to stand, the decision of the Department of the Family and the Court of Appeals determination to affirm it, despite it being based on information not disclosed or made available to Soto Nieves, would be a very troubling development that requires this Court's intervention to maintain and preserve the right to due process under the U.S. Constitution in the Commonwealth of Puerto Rico. The development of these constitutional arguments has required and will continue to require the expenditure of significant resources by Soto Nieves.

2. The record in this case is entirely in Spanish and pertinent documents are in the process of being translated and reviewed.

3. The appearing attorney is a solo practitioner that currently has several other cases that demand his attention and require drafting of various legal documents in the next few weeks. These professional commitments militate in favor of granting the brief extension of time requested herein.

4. Notwithstanding the foregoing, Soto Nieves will make every effort to file the petition prior to May 20, 2019.

Conclusion

For the foregoing reasons and good cause shown, Soto Nieves respectfully request that this Court grant this application and, accordingly, allow Soto Nieves an extension of time until Monday, May 20, 2019 to file their petition for writ of certiorari.

Certificate of Service

I hereby certify that today, April 2, 2019, a true and correct copy of this document has been filed through electronically, and copy has been sent electronically and via commercial carrier for next day delivery to: **Lisa M. Agosto Carrasquillo, Director, Centro Estatal de Protección a Menores**, lisa.agosto@familia.pr.gov, Plaza Roosevelt, 185 F.D. Roosevelt Avenue, Hato Rey, PR (1st Floor); **Mr. Carlos Rivera, Mrs. Glenda Gerena**, Administración de Familias y Niños, Departamento de la Familia, carlos.rivera@familia.pr.gov, glenda.gerena@familia.pr.gov, Plaza Roosevelt, 185 F.D. Roosevelt Avenue, Hato Rey, PR (2nd Floor); **Glorimar D. Andujar, Esq.**, Departamento de la Familia, lydiann.diaz@familia.pr.gov; mcorres@familia.pr.gov; notificacionestribunal@familia.pr.gov, Plaza Roosevelt, 185 F.D. Roosevelt Avenue, Hato Rey, PR (3rd Floor) ; **Isaías Sánchez Báez, Esq.**, General Solicitor, **Celia M. Molano Flores, Esq.** Assistant General Solicitor, cemolano@justicia.pr.gov; i.sanchez@justicia.pr.gov; notificaciones.opg@gmail.com, Departamento de Justicia, Ave.

Teniente Cesar González #677, Piso 5, Esq. Avenida Jesús T. Piñero, San Juan, PR 00919; **Wanda Vázquez Garced**, Esq., Secretary of Justice, npicart@justicia.pr.gov; wwazquezg@live.com, Departamento de Justicia, Ave. Teniente Cesar González #677, Piso 8, Esq. Avenida Jesús T. Piñero, San Juan, PR 00919; and via third-party commercial carrier for next day delivery to the following entities since no electronic service address was available after reasonable efforts were made to locate them: **Administración de Familia y Niños**, Plaza Roosevelt, 185 F.D. Roosevelt Avenue, Hato Rey, PR (2nd Floor); **Departamento de la Familia, División Legal**, Plaza Roosevelt, 185 F.D. Roosevelt Avenue, Hato Rey, PR (3rd Floor).

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Dated: April 2, 2019