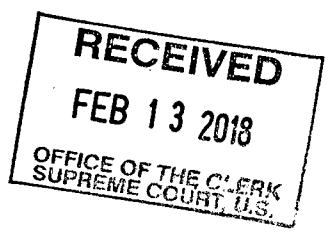


App. No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

WEN LIU,

Plaintiff - Appellant,

v.

UNIVERSITY OF MIAMI, SCHOOL OF MEDICINE

Defendants - Appellees.

On Appeal from the United States District Court
for the Southern District of Florida

On Appeal from the United States Court of Appeals for the Eleventh Circuit

On Appeal from the Supreme Court of the United States

U.S. District Court
Southern District of Florida

Case Number 1:13-cv-22187-WJZ

U.S. Court of Appeals
for the Eleventh Circuit

Case Number 15-14351EE

ON APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT

PETITIONER'S APPLICATION TO EXTEND TIME TO FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI

Wen Liu
7682 SW 169TH ST
Miami, FL 33157
January 19, 2018

App. No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WEN LIU,

Plaintiff - Appellant,

v.

UNIVERSITY OF MIAMI, SCHOOL OF MEDICINE

Defendants - Appellees.

**PLAINTIFF'S APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT**

To the Honorable John G. Roberts Jr., Chief Justice of the United States and Circuit Justice For
The United States Court Of Appeals for the Eleventh Circuit:

I, the Plaintiff, *Pro Se*, Dr. Wen Liu, respectfully request that the time to file a Petition for a Writ of
Certiorari in this matter be extended for sixty days to and including May 11, 2018.

The Court of Appeals issued its opinion on May 19, 2017 (see App. A, *infra*). On December 11, 2017, the Court of Appeals issued an order (see App. B, *infra*) in which the filing petition for reconsideration for the panel rehearing is not granted. The Court of Appeals issued "Petition for Reconsideration for the Panel Rehearing" is unfiled on January 11, 2018, and the Court of Appeals provided the instruction for filing a Writ of Certiorari with the United States Supreme Court within 90 days from the Court order on December 11, 2017.

Absent an extension of time, the Petition would therefore be due on March 12, 2018. Petitioner is
filing this Application at least ten days before that date. See S. Ct. R. 13.5. This Court would have
jurisdiction over the judgment under 28 U.S.C. 5 1254(1).

BACKGROUND

The Defendant University of Miami retaliated me, and the Defendant University of Miami
terminated my employment discriminately, wrongfully during my medical leave of breast cancer
causing the persistent suffering since I was wrongfully terminated by University of Miami during my
medical leave of cancer. My health conditions require the treatments and assistances from
physicians, social workers and therapists to treat the diseases.

**1. Defendant University of Miami offend the Federal Law of Family and Medical Leave Act to
wrongfully terminate me during my medical leave of cancer.**

The opinion of the Court of Appeals **erred by overlooking the facts** that the defendant's first
attempted wrongful termination dated October 7, 2011 by defendant Birnbach was **reversed** as
the results of Faculty Senators' fighting on my behalf. After the defendant's failure of the first
attempted wrongful termination, defendant attempted the **second wrongful termination** dated on

March 7, 2013 by defendant Keitz during my **medical leave of cancer from October 11, 2012 to April 11, 2013.**

2. Defendant University of Miami offend the Federal Law of gender, racial and national origin discriminations.

The defendant have the knowledge that I, the Plaintiff "be expected" **differently** from other junior faculty on the tenure track.

The Court of Appeals **overlooked** the fact that Defendant Szapocznik set the unachievable goal to me to write "five first-author publications" to be submitted/accepted **in one year**, which could not be achieved by a junior faculty on the tenure track.

None of the junior faculty on the tenure track as me published five first authored papers a year; and **none** of these junior faculty is in the same race, and originality of the nation as me; **none** of these junior faculty on the tenure track was **forced and threatened** to be terminated to force them to change to research track during their probationary period of **2 years 7 months** as me; **none** of these junior faculty's employment was terminated during the year of mid-point review at these junior faculty's tenure track probationary period of **3 years 1 month** as me; and **none** of these junior faculty on the tenure track was terminated during the **medical leave** as me.

The Court of Appeals overlooked the explicit FACTS that None of the junior faculty on the tenure track as me published five first authored papers a year; however, **None** of the junior faculty on the tenure track was labelled by the defendant as "poor performance" as me and **None** of these junior faculty **received a termination letter** discriminately at the probationary period of **2 years 7 months** as me.

3. Defendant University of Miami offend the Federal Law of gender, racial and national origin discriminations.

Discrimination - the deprivation of my rights of taking leave absence on **03/21/2011**. Defendant Szapocznik denied my request of leave absence the next day on **03/22/2011**. Szapocznik did not follow the University rules and regulations governed and protected by the Faculty Manual to process my request, and the defendant Szapocznik did not forward the request to the dean, then to the **Executive Vice President and Provost** for approval as required. To my knowledge, **the leave of absence requests by other faculty with different race, originality of nation had been granted**.

4. Defendant University of Miami offend the Federal Law of gender, racial and national origin discriminations.

Discrimination - forcing and threatening me to change from a faculty on the tenure track to a faculty on the research track at my **probationary period of 2 years 7 months** as a faculty on tenure track for the defendant's dark, staged and calculated purposes to terminate me discriminately in **2011**.

Defendant have the knowledge that I am contracted for **no fewer than 9 year employment** as a faculty on the tenured track governed and protected by the Faculty Manual.

For the staged and calculated dark purposes to terminate me discriminately at my probationary period of **2 years 7 months**, defendant Jose Szapocznik, Hilda Pantin, and Sheri Keitz **forced and**

threatened me to change from a faculty on the tenure track (**no fewer than 9 year protected employment**) to a faculty on the research track (only **one** year employment at each annual renewal).

No any other junior faculty of different race, gender and different original nationality on the tenure track except me that was **forced and threatened** to change track as me at the probationary period of **2 years 7 months**.

5. Defendant University of Miami offend the Federal Law of gender, racial and national origin discriminations.

Discrimination - defendant first but failed attempt to terminate me discriminately with termination letter dated October 7th, 2011 at my **probationary period of 3 year 1 month** as a junior faculty on the tenure track who has **no fewer than 9 year contracted employment** protected and governed by the Faculty Manual (**the wrongful termination was reversed by the help of Faculty Senators**).

Defendant's first attempted termination discriminately to me was Reversed in 2012- I complained of the retaliation and unequal treatments to the administrators of the university, to the faculty senators and the faculty to ask for help.

Medical Leave suggested by Faculty Senator Counsel Dr. Green to **Reverse the defendant's first attempted but failed wrongful termination discriminately to me -**
I took the approved medical leave as an **employee** of University of Miami School of Medicine from **October 11, 2012 to April 11, 2013**.

The second wrongful termination letter from defendant Sheri Keitz was dated **March 7th, 2013** during my **medical leave from October 11, 2012 to April 11, 2013**.

6. Defendant University of Miami offend the Federal Law of gender, racial and national origin discriminations.

Wrongful Termination during my Medical Leave was dated on March 7th, 2013; I filed the charges to reveal defendant's violations with the EEOC officer on March 21, 2013 timely following the Federal Rules and Laws.

7. The defendant's hand-manufactured, self-altered numbers of so called "vote" as my "poor performance" violates the Faculty Manual and is **an insult to the required documents with required signatures and written recommendations of the dean, provost, president and the board of trustees to comply the significant procedure of promotion and tenure to objectively and thoroughly evaluate a faculty on the tenure track.**

The defendant's hand-manufactured a piece of paper so called "vote" as my "poor performance" is **an offense to the rules** governed by the Faculty Manual, and it is **an offense to me and all the faculty** protected by the Faculty Manual; defendant's retaliation, discriminations, and wrongful termination during my medical leave of cancer are **offenses to the Federal and State Laws**.

8. The opinion of the Court of Appeals did not rule my claims of **Count IV of retaliation, and Count V of defendant's violation of Federal laws** in **wrongful termination** during my medical leave.

My **Count IV retaliation claim** is NOT what defendant's so called "FMLA retaliation claim";

My Count V FMLA claim is defendant's offense to Family and Medical Leave Act (FMLA) to wrongfully terminate me during my medical leave of cancer.

My Count IV retaliation claim is that:

I was retaliated after reporting an unethical issue of submission of a paper with me as the co-author but my name was removed when the paper was published.

9. Discovery Date is 09/25/2015 NOT defendant's lie of "April 3, 2015".

Further, the opinion of the Court of Appeals **misapprehended** the date to complete discovery.

The date for the discovery is **September 25, 2015 (09/25/2015)** NOT the defendant's so called "April 3, 2015".

The Court of Appeals **erred** in opinion that "The district court's scheduling order clearly provided that "April 3, 2015" was the deadline to complete discovery" (Page 14, last paragraph).

On 4/14/2015, the Honorable Judge Zloch of the district court ORDERED: "ORDER Resetting Pre-Trial Conference. Pretrial Conference reset for 10/9/2015 at 9:30 AM in Fort Lauderdale Division before Judge William J. Zloch. Pretrial Stipulation due by Noon, 9/25/2015. Signed by Judge William J. Zloch on 4/14/2015. (bc) (Entered: 04/14/2015)" (DE 93).

Defendant manufacture **lies** in defendant's so called final summary judgment to attempt to kill the appeal in infancy in July, 2015 (Report and Recommendation dated 7/21/2015) **prior to the Court's scheduled Pre-trial Conference on 10/9/2015**.

10. When the Appeal is being reviewed at the Court of Appeals to rule for violations of the Defendant University of Miami's retaliation, discriminations, and wrongful terminations during my medical leave, the Defendant University of Miami filed the unlawful foreclosure of the residence at the State Court to destroy our lives, and to force my family to be homeless.

While my receiving treatments from physicians, therapists, and social workers; while my waiting for the surgery to be covered by the insurance so that the surgery is to be performed by the surgeon; and while my asking for help to keep the only roof over our heads to stop University of Miami's unlawful foreclosure, an extension of time to file the Petition for Writ Certiorari is warranted.

SUPPORTS AND REASONS FOR GRANTING AN EXTENSION OF TIME

The time to file a Petition for a Writ of Certiorari should be extended for sixty days for these reasons:

1. It is an emergency to present motions and responses to deny Defendant University of Miami's unlawful foreclosure of the residence for my family at the State Court.

The Urgency to have a roof over our heads to stop University of Miami's causing us being homeless for my family is overwhelming.

The extension of time is necessary and warranted for collecting evidences, legal precedents and historical materials, and for asking for expertise assistance to guard our entitled fundamental civil rights by the Laws at the State Court, and at the Federal Court.

2. During the treatments of breast cancer, University of Miami terminated my faculty position on the tenure track during my medical leave for breast cancer. The surgery to remove the tumor is required by physicians and surgeons.

Due to University of Miami's violations of the laws causing the loss of health insurance of me and my family, Defendant University of Miami's offenses cause the refusal of the surgery scheduled by the surgeon and the operating team of nurses and physicians.

The extension of time is necessary and warranted for the surgery.

3. I do not have a job since I was retaliated, terminated wrongfully and discriminately during my medical leave and my career is ruined and damaged by the defendant University of Miami. The financial difficulties and health conditions force me to ask for help for assistance in daily necessities and medical assistance, and to struggle for daily living, and to struggle to survive from the cancer that the Clinic denied the scheduled surgery in connection with the loss of medical insurance by the discriminations and wrongful termination of the employment by the Defendant University of Miami.

4. Having strived to apply for insurances for the surgeon to perform the surgery, I was informed that within 90 days, the process may be completed during the communication on January 18, 2018. Once the health insurance is being processed, a communication with the surgeon could be made to schedule the surgery.

Once the date is available, the surgery to be scheduled during this 90 day period of time including March 12 warrants the extended time to file the Petition.

The Physicians and Surgeons suggest the recuperation of breast cancer from pre-surgical treatments to post-surgical treatments. I respectfully requests this Court for 60 days extension of time to file the Petition for the Writ of Certiorari.

5. At the mean time of these extraordinary predicaments, I have been seeking for counsels to represent me with expertise to assist in this case. Additional time is necessary and warranted for counsels to become familiar with the records, relevant legal precedents and historical materials, and the issues involved in this matter.

6. No meaningful prejudice would arise from the extension. I respectfully request this Court to hear oral arguments regarding the application of this case if this Court suggests.

7. The reception of the documents from The United States Court of Appeals for the Eleventh Circuit issuing "Petition for Reconsideration for the Panel Rehearing" unfiled on January 11, 2018 is only within the past ten days. The United States Court of Appeals for the Eleventh Circuit provided the instruction for filing a Writ of Certiorari with the United States Supreme Court within 90 days from the Court order on December 11, 2017. Additional time is warranted to allow preparation of a Petition especially this case is uniquely important and complex.

8. This case presents extraordinarily important issues warranting a carefully prepared Petition. The decision marks and impacts the fate of minority faculty, especially female minority faculty on the tenure track at an university who are dedicated to their students and scientific breakthroughs to improve our lives, while at the meantime taking care of their family, striving to meet the deadlines of grant proposals, publications days and nights.

The issues involve fundamental questions of how the Federal Laws should be interpreted and applied to best protect minority, female faculty on the tenure track from being retaliated by

reporting unethical issue of the name removed at the publication; from being treated differently to be required to publish five first-authored publications a year; from being discriminated of denying leave of absence; from being wrongfully terminated during the medical leave of treating cancer.

CONCLUSION

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended sixty days to and including May 11, 2018.

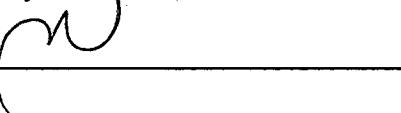
I trust that the Court finds and agrees with the extreme financial difficulties, severe health conditions with cancer, emergency of being homeless, the importance, complexity and uniqueness of this case involving Asian American, female faculty on the tenure track for this Court to grant the extension of 60 days for filing the Petition for the Writ of Certiorari to the Supreme Court of the United States.

I **appeal** to this Supreme Court of the United States to move the case to trial before the Court and to the jury to allow all evidences including depositions, affidavits, and testimonies by the witnesses to be presented to the Court.

I **appeal** to this Supreme Court of the United States for receiving **full, fair, impartial hearings** in a trial before this Court, before the Jury and for justice to be administered and served.

WHEREFORE, I, *Pro Se*, Dr. Wen Liu, respectfully request that this Court grant the relief sought in this Application.

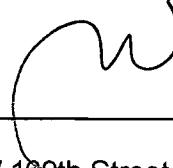
Respectfully submitted,

By: 
Wen Liu

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing is furnished to related parties through CM/ECF and US mail:

Eric David Isicoff
Teresa Ragatz
Christopher M. Yannuzzi
Isicoff, Ragatz, & Koenigsberg
Attorney for Defendant
601 Brickell Key Drive, Suite 750
Miami, Florida 33131
on the Nineteenth day of January, 2018.

By: 
Wen Liu
7682 SW 189th Street
Miami, Florida 33157