

No. 17A1367

IN THE
SUPREME COURT OF THE UNITED STATES

KOURTNEY HERMAN,

Petitioner

v.

CRYSTAL YOUNG ET AL.,

Respondents

On Petition For Writ Of Certiorari
To The Illinois Supreme Court

**AMENDED APPLICATION TO HONORABLE JUSTICE
ELENA KAGAN FOR FURTHER EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI**

Counsel of Record for Petitioner
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NOWCOMES, Petitioner, Kourtney Herman, by and through her attorney, Jeff W. Lindsay, who respectfully requests Honorable Justice Elena Kagan to grant petitioner a 14-day extension of time to file a petition for certiorari, up to and including August 17, 2018, pursuant to Supreme Court Rule 13.

JURISDICTION

This Court has jurisdiction to review final judgments by the highest court of a state pursuant to 28 U.S.C § 1257(a)

OPINIONS BELOW

The Illinois Supreme Court's March 21, 2018 decision is reported at 95 N.E.3d 509, (Ill. 2018) and appears at Appendix 1. (See June 12, 2018 Application)

The Illinois Appellate Court, Fourth District opinion is reported at 92 N.E.3d 1070, (Ill. App 4th 2018) and is attached to Appendix 1. (See June, 12, 2018 Application)

BACKGROUND

This case involves an award of “custody” of a minor child to a wealthy Grandmother and her husband over the minor child’s indigent, fit, biological mother when the minor child was in the mother’s possession and control at the time of filing the petition and resulted in the separation of minor siblings.

The procedure in the trial court infringed upon Kourtney’s procedural due process rights protected by 14th Amendment to the United States Constitution.

On January 20, 2017, the Illinois Appellate Court, Forth District granted Kourtney’s Motion to Prosecute Appeal Without Payment of Costs due to Kourtney’s status as an indigent party. On January 3, 2018, The Illinois Appellate Court, Fourth District ruled that the Illinois law allowing a nonparent to file a petition for allocation of parental responsibilities only if the child “is not in the physical custody of one of his or her parents” does not address the standing of the petitioner; instead,

that requirement is merely an element of the cause of action that must be pleaded by the petitioner. The ruling was a split in authority within the Illinois Appellate Court and infringes upon the substantive and procedural due process rights of involved fit parents residing in the State of Illinois. On January 5, 2018 the Fourth District Appellate Court denied rehearing on it January 3, 2018. On February 14, 2018, The Illinois Supreme Court granted an extension of time to file a Petition for Leave to Appeal up to and including February 26, 2018. On March 21, 2018, The Illinois Supreme Court, the court of last resort, denied Kourtney's timely filed Petition for Appeal as a Matter of Right, or in the alternative, Leave to Appeal without hearing oral argument.

On June 12, 2018, this Court granted Petitioner a 45-day extension of time to file a Petition for Writ of Certiorari, up to and including August, 3, 2018.

FACTS

On July 29, 2018, the disabled father of the minor child's sibling that is not subject to the Petition for Custody, unexpectedly died.

Petitioner and Petitioner's minor child are grieving and dealing with final arrangements for the sibling's father.

Counsel for Petitioner intended to submit a motion for leave to proceed *In Forma Pauperis* along with the Petition for Certiorari.

On January, 20, 2017, the Illinois Fourth District Appellate Court granted Petitioner leave to prosecute her appeal without payment of costs and fees.

However, due to the above unexpected death and Petitioner's need to tend to the final arraignments, counsel for Petitioner has had difficulty obtaining answers to certain financial questions contained in the declaration and is uncertain whether he can secure a signature from Petitioner by August 8, 2018.

Counsel for Petitioner cannot file the declaration in support of the motion for leave to proceed *In Forma Pauperis* with out additional information and Petitioner's signature.

Counsel for Petitioner neither has the financial, operational resources nor time to file a Petition in Booklet Format under Rule 33.1 and could use the 14 days to finalize the Rule 33.2 Petition.

ARGUMENT

As a rule, "for good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days." Supreme Court Rule 13.5

The Court's previous 45-day extension combined with this 14-day extension c amounts to 59 days which is still allowable under the rules.

The above facts are good cause for an extension and when combined with the gravity of the Constitutional issues in this case outweighs any delay attributed to Petitioner during this time of grief, need to

prepare final arraignments and need to be with her son, the sibling of the child that is the subject of this case.

There is no right more precious in our society than the fundamental right of an involved, fit parent to the care, custody and control of his or her child. The right to which is protected by the due process clause of the Fourteenth Amendment.

CONCLUSION

The above referenced facts and arguments are sufficient good cause to grant Kourtney an additional 14-day extension of time to file a petition for writ of certiorari, up to and including August 17, 2018.

Respectfully submitted,

JEFF W. LINDSAY, P.C.

By: /s/ Jeff W. Lindsay
Attorney & Counselor at Law

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Appendix

Young v. Herman, 95 N.E.3d 509, (Ill. 2018)

Leave to appeal, Appellate Court, Fourth District.

4-17-0001

Decision

Petition for Appeal as a Matter of Right or, in the alternative, Petition for Leave to Appeal Denied.

Decision Attached

Young v. Herman, 92 N.E.3d 1070, (Ill. App 4th 2018)

Opinion filed January 3, 2018

Rehearing denied January 5, 2018

Opinion Attached