

No. 18 - 9750

IN THE

SUPREME COURT OF THE UNITED STATES

John G. Curry — PETITIONER

vs.

Mark Joseph Lopez, Associate Judge, Circuit Court of Illinois, Cook County, et al.
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MOTION TO EXTEND TIME TO REFILE CERTIORARI PETITION AS A
PAID CASE

John G. Curry (pro se)
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**MOTION TO EXTEND TIME TO REFILE CERTIORARI PETITION AS A
PAID CASE**

Justice Brett M. Kavanaugh as Justice allocated Seventh Circuit cases

Petitioner, John G Curry, hereby moves this Honorable Court, pursuant to Supreme Court Rules 13.5 and 30.3, to extend time for paying the docketing fee required by Rule 38(a) and for re-filing petition for writ of certiorari in compliance with Rule 33.1 the maximum 60 days, until December 6, 2019, for good cause. In support of this motion, Petitioner supplies the following information:

1. On June 7, 2019, in this Court, Petitioner timely filed a motion to proceed in forma pauperis and petition for writ of certiorari in compliance with Rule 33.2 in good faith that he could not afford the appellate court expenses. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).
2. With regard to the underlying appellate matter brought before this Court, the District Court granted Petitioner the privilege to appeal in forma pauperis in the 7th Circuit. (Attachments: 7th Circuit and District Court Orders).
3. Subsequent to Petitioner's filing of his petition for certiorari, the U.S. Court of Appeals For The Third Circuit issued a precedential opinion, *Malhan v. Secretary U.S. Department of State et al.*, Docket# 18-3373, demonstrating that the 7th Circuit misapplied the *Rooker Feldman* Doctrine violating a U.S. citizen's right to a federal forum. Therefore, on September 19, 2019,

Petitioner filed a supplemental brief under Rule 15.8 in compliance with Rule 33.2 to bring the precedential value of *Malhan* to this Court's attention.

4. *Malhan* emphasizes that the Supreme Court has previously frowned upon lower federal courts' misapplication of the *Rooker Feldman* Doctrine. The 3rd Circuit re-establishes that federal courts have a "virtually unflagging" duty to exercise jurisdiction conferred by Congress. (See also *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976)).
5. On October 7, 2019, this Court issued the following docket entry in this case: "The motion of petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until October 28, 2019, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court."
6. Respondents did not respond to Petitioner's certiorari petition, two of which waived their rights to do so. On August 1, 2019, this Court distributed this case for the Conference of 10/1/2019.
7. The Denial of Petitioner's in forma pauperis motion causes extreme hardship for Petitioner and hinders his access to the Court, jeopardizing his obtaining available legal remedy and justice for civil rights violations. Significant prejudice results from Petitioner's lack of financial resources where his certiorari petition raises issues of national importance and public policy.

8. The Rule 38(a) docketing fee, \$300, is reasonable and affordable, but the costs as estimated by experts that prepare Supreme Court briefs to comply with Rule 33.1 by the October 28, 2019 deadline are unaffordable.
9. Petitioner receives his pension benefits on October 31, 2019, from which he can pay the docketing fee. However, the costs of additional expenses such as professional formatting, printing, binding, filing, and serving approximately 50 copies in compliance with Rule 33.1 causes severe hardship on Petitioner to afford the most basic of living expenses.
10. In April 2019, due to lack of healthcare insurance, Petitioner incurred \$6,800 in medical bills directly related to one of the chronic health issues that ended Petitioner's firefighter career. Petitioner is currently in a 3-year state of homelessness, recently bankrupt (discharged July 9, 2019), and living on a pension from 20 years of service as a sworn member of the Chicago Fire Department, netting only \$2,056.57 per month.
11. The petition for certiorari is fully briefed in compliance with Rule 33.2 and was already distributed for Conference. To reformat the petition to comply with Rule 33.1 and include arguments of the supplemental brief would require a rewrite of the petition, which will take Petitioner more time.

WHEREFORE, Petitioner requests this Court to reconsider the October 7, 2019 denial of Petitioner's *in forma pauperis* motion; in the alternative, Petitioner requests this Court to extend the time for filing and payment to the full 60 days (December 6, 2019) allowed under Rule 13.5.

Respectfully submitted,



John G. Curry – Petitioner (pro se)

Date: October 15, 2019

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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
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ORDER

April 6, 2018

Before

DAVID F. HAMILTON, *Circuit Judge*

No. 17-3645	JOHN G. CURRY, Plaintiff - Appellant v. MARK JOSEPH LOPEZ, et al., Defendants - Appellees
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Originating Case Information:

District Court No: 1:17-cv-03659
Northern District of Illinois, Eastern Division
District Judge Rebecca R. Pallmeyer

The following is before the court: **DISTRICT COURT ORDER GRANTING SECOND MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**, filed on April 3, 2018.

The district court has issued an order granting John Curry leave to proceed in forma pauperis on appeal. Accordingly, briefing shall proceed as follows:

1. The brief and required short appendix of the appellant are due by May 7, 2018.
2. The briefs of the appellees are due by June 6, 2018.
3. The reply brief of the appellant, if any, is due by June 20, 2018.

Important Scheduling Notice !

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

John Gregory Curry,)
Plaintiff,)
v.) No. 17 C 3659
Mark Joseph Lopez, et al) Judge Rebecca R. Pallmeyer
Defendants.)

ORDER

Second Motion for permission to appeal *in forma pauperis* [43. 50] are granted.

ENTER:



Dated: April 3, 2018

REBECCA R. PALLMEYER
United States District Judge