

NO. _____

IN THE SUPREME COURT OF THE UNITED STATE

SHERMAN VICKERS
APPLICANT,

v.

MARINA DELREY MARINA et. al.
RESPONDANT

CA. Supreme Court
No. S248826

Court of Appeal
No. B279468

Superior Court
No. BC593803

APPLICATION TO EXTEND TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI

Directed to the Honorable John G. Roberts Jr., Chief
Justice of the United States and the Circuit Justice for the
United States Court of Appeals for the Ninth Circuit

JOHNATHAN M. THAMES
Defendant and Respondent
Archer Norris, LLP.
One Embarcadero Center,
Suite#360
San Francisco, Ca. 94111-3735
(415) 653-1480
jthames@archernorris.com

SHERMAN VICKERS
Plaintiff and Appellant in Pro Per
P.O. Box 1285
Marina del Rey, Ca. 90295
(310) 822-4933
sherman@designintegrated.com

September 11, 2018

**To the Honorable John G. Roberts Jr. as Circuit Justice
for the United States Court of Appeals for the Ninth
Circuit:**

The Applicant and Plaintiff Sherman Vickers respectfully request a 60-day extension of time to file its petition for writ of certiorari. This request, if granted, would extend the deadline from September 11, 2018 to November 12, 2018 (since November 11, is Sunday). Sherman Vickers will be asking this Court to review a Judgement of the California Supreme Court for the Ninth Circuit, issued on June 13, 2018 (App. A), The Courts jurisdiction to review the California Supreme Courts Judgement rests on 28 U.S.C. § 1257.

Applicant/ Plaintiff request this extension of time for the following reasons:

Sherman Vickers, is seeking consul to aide in preparation to this courts Writ Certiorari; also Applicant is challenging another set of Defendants' judgement from California Superior Court case: 2nd. District Court of Appeals #B277316, and is currently preparing to file Appellants Opening Brief; This demand upon Applicant - whom is the disabled party- has been irreparably harmed by the Defendants.

Where Applicant Sherman Vickers Property was fraudulently taken by the Defendants without due process. Applicant/Plaintiff filed Claim for damages September 4, 2015. Defendants Demurrer was granted by Superior Court; That errored Demurrer ruling was a miscarriage of justice, and will irreparably harm Applicant/Plaintiff; To wit, Applicant is challenging the 2nd. District Court of Appeals default judgement; Appellant, seeking this Supreme Court Review these questions of Law, and Fact, and confirm these factual finding supported by the record. Applicant/Plaintiff is working on developing these Points, request in this extension;

Automatic Stay:

An Automatic Stay is in effect once an Appealed is filed, while the Appellant is Perfecting the Record on appeal.

An Automatic Stay is in effect until the Record on appeal is completed; or Appellate Court, Should have granted an Automatic Stay upon his case to protect Appellate Courts Jurisdiction, thereof, until Applicants, Motion, (filed March 26, 2018); Notice of Correction RE Omissions to Clerk Transcript from Plaintiffs Designation of Records: Judge's Final Ruling Sept.

12, 2016; Judge's Final Ruling Jan.11, 2017, requested, filed and stamped received, by both courts, and Plaintiffs Designation of Records, Filed December 2, 2018.

Time to obtain records; for the necessary time, that it takes for Superior Court to process and gather the document; prepare supplement to the Clerks Transcripts. Then adequate time for Appellant to incorporate the information contained within them into Appellant opening Brief.

While, Appellant was attempting to Perfect the Record on Appeal; it was dismissed, before records request was completed April 4, 2018, failure to file opening brief.

Applicant needs more time to prepare the Writ Certiorari, More time is needed for case & legal research, Applicant isn't ready to address the complex issues now, If the extension is granted, Applicant will prepare an exemplary petition.

Noerr: The "Sham" Miscarriage of Justice:

The Court erroneously Rules Plaintiff didn't have a right to his Property. This is not taken from the complaint; but taken out of the context of the Cause of Action, which was: Fraud – Misrepresentation, and upon the defendant actions which,

misrepresented to DMV Lien Department; which in reliance there upon: Defendants misrepresentation, Fraudulently Authorized a Lien sale to take Place on Apr. 18, 2011; Defendants never notified Applicant of their action against him with DMV ,or of a Lien Sale, However, Applicant discovered it by chance calling DMV checking on vehicle registration on April 17, 2011, Talked with Lien Sale and was asked to Fax the Court Decision which was in Applicants' favor; and against Defendant "ALMAR" (dba Marina del Rey Marina), and the Lien Sale was reversed that day. There never was a Lien Sale, and Defendants fraud in 2011. Based upon Defendants' "ALMAR" Misrepresentation to the Lower court; And due to the discretion of the court; a miscarriage of justice upon Applicant. Where the "SHAM- Noerr-Pennington Doctrine" alleged by the Defendants, becomes a very good cause of action by Applicant for Noerr-Pennington could've been made on the Defendants.

Due Process:

Plaintiffs' Property was taken without due process of Law, Violation Plaintiff Federal & CA. Constitutional Rights. Plaintiff rights were violated, No Trial; Demurs' not place for evidence; doesn't supports the

Courts findings. This is a violation of 14th Amendment, California Constitution article I § 16; Where court Errored irreparably Harming Plaintiff.

As the result of the Miscarriage via Demurrer, Default-Dismissal; Plaintiffs 14th Amendment and the Due process violation at every court actions occurred to keep Applicant from putting his facts before a jury;

Miscarriage of Defendants'

Misrepresentation on the courts; the Superior Court Ruling on conclusions based upon that which is not in the complaint, where fictitious statement rather than that which is stated in the complaint is used against the Applicant; however, when Applicant points out to the court all of the abuses in the complaint of the Defendants' it's not mentioned.

In Addition Applicants' is having problems obtaining Medical Care. For almost 2years, Applicants" has had trouble obtaining necessary medical care. This has grown worse this year. So as soon as possible for such arrangements are made; Applicant will need to take time in obtaining that care.

Applicant is a Member of Protected Class:

This case presents substantial and important questions of law to Title V, and others cite from all the Complaints herein cited, Applicant is a member of a Protected Class; which needs to be addressed especially, since; In 2009, Defendants chained and Converted Applicants Boat, taking Storage Property unwarrantedly; without due Process; In April 2011 Fraudulently, Misrepresented to California DMV to get Fraudulent Authorization to continue a Lien Sale; and in 2014, again, Defendants took Plaintiff Boat, without due process; which was his home in the Marina for 22 years, Their action violated Plaintiff Sherman Vickers Constitutional Rights as a Protected class, from the charges herein, and were done for the purpose of influencing Plaintiff to vacate the Tenancy with "ALMAR" (dba Marina del Rey Marina)

Stated in Applicant/Plaintiffs Complaints in cause of actions for I.I.E.D (Intentional Infliction of Emotional Distress); Breach of Covenant of Quiet Enjoyment:

40. The Acts of the Defendants as alleged above constitute a violation of FHA: Sec. 818. [42 U.S.C. 3617].
41. The acts of the Defendants as alleged above constitute a violation of Civil Code 1940.2 & 1940.6.

Conclusion

The Lower courts Miscarriage of Justice: Blatantly going outside of the complaint and Ruling for Defendants Fraudulent, Misrepresentation against Plaintiff Sherman Vickers. Thereby, Defendants, Demurer denies Plaintiff rights to Due Process. An error of fact, Where the Charges of Plaintiff as stated in all of the Complaints are triable issues of facts, are to be determined by a jury at trial.

Perfecting of the Record on Appeal: 2nd. Districts Court Appeal Dismissal by Default, While Appellant is waiting for requested record filed eight days earlier.

Thus, if the ruling was in error it is reversible per se as amounting to the denial of a fair hearing. Deeter v. Angus (1986) 179 CA3d 241, 251, 224 CR 801, 806]. The court is acting beyond its jurisdiction in thereafter proceeding to judgment. (2 Witkin, Cal. Procedure (3d ed. 1985) Jurisdiction, § 240, p. 634.) Thus, a fair hearing is a requisite of due process; a denial of such hearing is reversible error per se. (9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 364, p. 366.)

For these reasons, Sherman Vickers, Applicant respectfully requests an extension of time to file its certiorari petition, up to and including November 12, 2018.

Dated: September 11, 2018

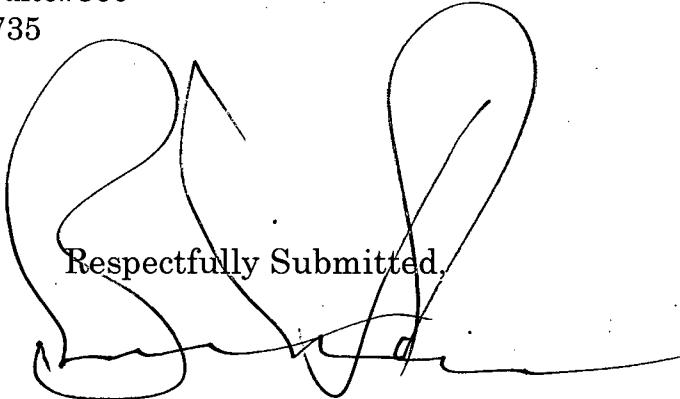
Respectfully Submitted,

SHERMAN VICKERS
IN PRO PER

CERTIFICATE OF SERVICE

I certify that a copy of this document has been sent by e-mail and by U.S. Mail on September 11, 2018 to:

JOHNATHAN M. THAMES
Defendant and Respondent
Archer Norris, LLP.
One Embarcadero Center, Suite#360
San Francisco, Ca. 94111-3735
(415) 653-1480
jthames@archernorris.com



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