

# A PETITION FOR WRIT OF CERTIORARI

No. \_\_\_\_\_

## In The Supreme Court Of The United States

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LEONARD E. DUNNING, *Petitioner*

v.

NANCY M. WARE, *Respondent*

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### APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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To the Honorable \_\_\_\_\_ of the \_\_\_\_\_:

Petitioner Leonard E. Dunning respectfully request that the time to petition for Writ of Certiorari in this matter be extended for thirty (30) days to and including August 18, 2018.

The Court of Appeals issued its order on April 12, 2018 (see App. A, *infra*) in which it denied a petition for rehearing, styled as a motion for reconsideration Per Curiam. On April 20, 2018 (see App. B, *infra*), the Court issued a mandate in accordance with the order of February 1, 2018 (see App. C, *infra*).

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Absent an extension of time, the Petition would therefore be due on July 19, 2018. Petitioner is filing this application at least ten (10) days before that date (See S. Ct. R. 13.5). This Court would have jurisdiction over the judgment under 28 USC § 1254 (1).

### Background

Petitioner, Leonard E. Dunning, filed action alleging that Respondent, Nancy M. Ware, in her capacity as Director of the Court Services and Offender Supervision Agency (“CSOSA” or “the Agency”) for the District of Columbia, discriminated against him in violation of the Age Discrimination in Employment Act (“ADEA”), 29 USC 621 et seq., and Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 USC 2000e et seq., respectively. The Respondent Nancy M. Ware engaged in the pre-selection of Campbell-Adams months before the Petitioner ever applied for the vacant position in a direct attempt to discriminate against petitioner based on his age.

A summary judgment was granted since the plaintiff has failed to refute the legitimate, non-discriminatory reasons for CSOSA’s decision.

As a pro se, Leonard E. Dunning appeals the summary judgment to U.S. Court of Appeals for the District of Columbia. The Court of Appeals stated that “though appellee (CSOSA) argues it had a “legitimate, non-discriminatory reason” for its employment decision, Brady v Office of Sergeant, 520 F. 3d 490, 493 (D.C. Cir. 2008), appellant has presented uncontested evidence of pre-selection sufficient for a jury to “reasonably disbelieve” appellee’s proffered reason, Giles v Transit Employees Fed. Credit Union, 794 F. 3d 1, 9 (D.C. Cir. 2015). Nevertheless, appellant did not present evidence sufficient to “permit an inference that” appellee’s employment decision was based on age.

### **Reason for Granting an Extension of Time**

The time to file a Petition for a Writ of Certiorari should be extended for thirty (30) days for the following reasons:

1. The Petitioner needs additional time to secure Counsel. Petitioner was pro-se in the U.S. Court of Appeals since the summary judgment in the lower court and the Petitioner is now a federal retiree and a disabled veteran.

Additional time is necessary and warranted for that Counsel to become familiar with the record below, relevant legal precedents and historical materials and the issues involved in this matter. Seeking this Court's review in any case is a serious decision, and Petitioner in particular should think carefully before filing a Petition for Certiorari. This case is uniquely important and complex.

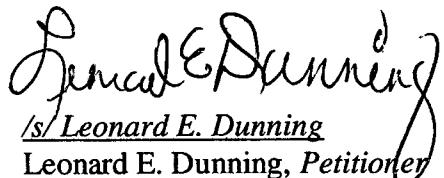
2. No meaningful prejudice would arise from the extension.
3. At issue, whether Appellate Court erred in denying appellant's motion for reconsideration in issuing the granting of summary judgment and misapplied the ruling under McDonnell Douglas in finding that the Appellant did not provide sufficient evidence for a reasonable jury to find intentional discrimination.
4. Whether the Court properly considered appellant's opposition to the motion for summary judgment and evidence presented demonstrating that the federal government (CSOSA) misled the parties and the Court and whether the Court abused its discretion in failure to consider appellant's uncontested evidence of pre-selection sufficient for a jury to "reasonably disbelieve" appellee's proffered reason?
5. Also, whether the Court engaged in an unreasonable exercise of discretion in denying appellant's motion for extension of discovery which directly impacted appellant's ability

to gather evidence, when appellee (CSOSA) was granted two (2) extensions of time and continuously failed to comply with timelines without sanction by the Court?

**Conclusion**

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended thirty (30) days to and including August 18, 2018.

Respectfully submitted,

  
/s/ Leonard E. Dunning

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July 6, 2018