

NO. 18 -

IN THE
Supreme Court of the United States

SYED K. RAFI, PhD.

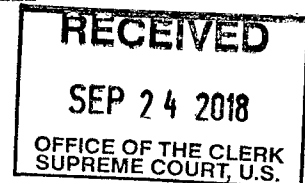
Petitioner
V.

BRIGHAM AND WOMEN'S HOSPITAL,
CHILDREN'S HOSPITAL BOSTON,
MASSACHUSETTS GENERAL HOSPITAL,
& HARVARD MEDICAL SCHOOL

Respondents

USCA1 No. 17-1373

MOTION REQUESTING FILING THE FOLLOWING
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT
AS "OUT-OF-TIME"




MOTION REQUESTING FILING THIS PETITION FOR WRIT OF
CERTIORAI TO THE UNITED STATES COURT OF APPEALS FOR THE
FIRST CIRCUIT AS "OUT-OF-TIME"

Pro Se Petitioner, Syed K. Rafi, hereby requests filing the following petition for Writ of Certiorari to the United States Court of Appeals for the First Circuit as "out-of-time", per the Supreme Court-Office of the Clerk's directive as contained in its latest communiqué dated June 30, 2018 (*Appendix A, paragraph 2*):

"If you wish to file a petition for Writ of Certiorari challenging the substantive issue(s) or question(s) addressed in the First Circuit's order of February 16, 2018, you may do so by filing your submission with a motion directing the Clerk of this Court to file it out-of-time. You may not address these questions in a petition running time from a order denying motions to recall a mandate."

Respectfully submitted.


Syed K. Rafi, PhD.
Petitioner

September ¹/₇, 2018

Enclosure

United States Court of Appeals For the First Circuit

No. 17-1373

SYED K. RAFI, Ph.D.,

Plaintiff, Appellant,

v.

BRIGHAM AND WOMEN'S HOSPITAL; CHILDREN'S HOSPITAL BOSTON;
MASSACHUSETTS GENERAL HOSPITAL; HARVARD MEDICAL SCHOOL,

Defendants, Appellees.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

JUDGMENT

Entered: February 16, 2018

Defendant-appellees seek summary disposition of this appeal from a judgment dismissing an employment discrimination complaint pursuant to Fed. R. Civ. P. 8(a)(2), 10(b), and 12(b)(6). Pro se plaintiff-appellant Syed Rafi cross-moves for summary reversal.

We conclude, essentially for the reasons stated by the district court in its March 20, 2017 Opinion and Order, that the amended complaint, in both form and substance, fails to meet minimal pleading standards and fails to allege facts sufficient to support a plausible claim for relief. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Defendant-appellees' motion for summary disposition is granted, and the judgment of the district court is affirmed. Plaintiff-appellant's motion to seal the briefs and record on appeal is denied, as his speculation that future potential employers may discover the filings and use them for retaliatory purposes does not warrant the requested relief. See 1st Cir. R. 11.0(c)(requiring litigants to explain the basis for a request to seal and directing litigants to consider, where possible, separating arguments related to sealed material into a supplemental filing); see In re Gitto Glob. Corp., 422 F.3d 1, 6 (1st Cir. 2005)(discussing long-standing common law presumption of public access to judicial records).

All other pending motions are denied as moot.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Syed K. Rafi

Robert R. Hamel Jr.

Brian E. Sopp

Katherine Young Fergus

Amy E. Serino

Tracey E. Spruce

Gregory A. Manousos

Allison B. Cherundolo

United States Court of Appeals For the First Circuit

No. 17-1373

SYED K. RAFI, Ph.D.,

Plaintiff, Appellant,

v.

BRIGHAM AND WOMEN'S HOSPITAL; CHILDREN'S HOSPITAL BOSTON;
MASSACHUSETTS GENERAL HOSPITAL; HARVARD MEDICAL SCHOOL,

Defendants, Appellees.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

ORDER OF COURT

Entered: May 3, 2018

Appellant has filed a series of motions seeking "reconsideration," or some form of alternative relief. Because mandate issued in this case on March 12, 2018, we construe these filings as motions to recall mandate, and deny them. See Kashner Davidson Securities Corp. v. Mscisz, 601 F.3d 19, 22 (1st Cir. 2010) (mandate will be recalled in only the most extraordinary circumstances) (footnote omitted).

No further filings from appellant will be accepted in this appeal.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Syed K. Rafi, Robert R. Hamel Jr., Brian E. Sopp, Katherine Young Fergus, Amy E. Serino, Tracey E. Spruce, Gregory A. Manousos, Allison B. Cherundolo

**Additional material
from this filing is
available in the
Clerk's Office.**