

No. _____

In The
Supreme Court of the United States

Tatyana I. Mason

Applicant (pro-se)

vs.

John A. Mason

Respondent

◆
APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI
DUE TO SERIOUS MEDICAL CONDITION
◆

To the Honorable John Roberts, Chief Justice of the United States
Supreme Court

◆

Short summary: Tatyana Mason appeared as a *pro-se* litigant, who prevailed on the 2016 three day trial court and lost on appeal. The state's supreme court denied her petition on March 6, 2019. The state court of appeals ignored and conflicted with the Federal and Immigration law. Tatyana is working to file a writ of certiorari, but due to her unexpected serious medical cancer conditions, she is unavailable and requesting (60 days) for extension of time to file a Petition for Writ of Certiorari to the Supreme Court of the United States. *See Appendix A.*

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RECEIVED

APR 2 - 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**TO: the Honorable John Roberts, Chief Justice of
The United States Supreme Court.**

Applicant -Tatyana Mason respectfully requests an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The earlier deadline for Applicant to file her petition is Tuesday, June 4th, 2019, which is ninety (90) days from March 6, 2019, the date when the Washington state's Supreme Court denied Tatyana's petition for review¹. *See* Appendix B (order case No. 96438-6 *Mason v. Mason*). **For good cause set forth herein and based on unexpected medical cancer conditions** *See* Appendix A (Release from work), Applicant Tatyana asks that this deadline be extended by sixty days so that the new deadline would be Friday, August 2, 2019.

BACKGROUND

In Washington State Court of Appeals, case No. 49839-1, John Mason has brought an appeal challenging a *pro-se* litigant- Tatyana's successful motion to vacate a few orders under state law CR60(b)(11) as extraordinary circumstances, because it was found that these orders violate Federal and Immigration law INA § 274(A)(a); INA § 245(c); 8 U.S.C. § 1182 (a)(4)(B); Also, John has challenging: a grant of expert witness on immigration fees and the imposition of Washington Civil Rule 11(a) sanction. **Appendix C.**

A few factual issues reviewed in this case:

Whether the state court is improperly forcing a noncitizen to work without proper authorization;

¹ Order dated March 6, 2019: The petition for review is denied... The Respondent's motion to strike the reply to the answer to the petition for review and the Respondent's request for attorney fees are both denied.

Whether the state court ignored that John who is a sponsor failed to remove conditions from Tatyana's temporary green card, due to his domestic violence, requires by Federal law;

Whether the state court ignored the sponsor's failure to provide a beneficiary with the basic level of subsistence support promised in the I-864 affidavit of support;

Whether an entering a child support order, a state court failed to take into account whether or not the sponsor receiving child support was also paying his I-864 obligation to the beneficiary paying it.

Whether the state court ignored Federal law which states: "when measuring the immigrant's income, the court must disregard the income of anyone in the household who is not a sponsored immigrant".

However, the Washington state court of appeals ignored all Federal and Immigration issues in this case and improperly overturned the 2016 three day trial court order by applying *de-novo*. On March 6, 2019, the Washington state's supreme court denied Tatyana's petition for review without explanation. *See* Appendix B.

Unexpectedly, Tatyana was diagnosed with cancer, and now she has serious medical conditions and going through intense medical treatments, which is preventing her from preparing a writ of certiorari for until June, 2019. Due to her serious medical conditions she is unavailable to work on any legal issue in March, April and May of 2019. *See* Appendix A.

LEGAL FRAMEWORK:

Immigration law stated: "A noncitizen may not seek or obtain employment in the United States without proper work authorization" INA §274(A)(a). "If a person works without proper authorization s/he may be found inadmissible and unable to adjust their status to that of a lawful permanent resident" INA §245(c). Under the Immigration and Nationality Act ("INA") certain classes of

immigrant are eligible to obtain employment authorization. The list can be found in 8 C.F.R. 274 a 12. Eligibility to be legally employed extends to lawful permanent residents as well. Therefore, if Tatyana's conditions were not removed from her temporary green card by John, she has no basis to apply for employment authorization she may not legally work in the US. The state courts have no basis to enforce her to work without proper authorization.

Additionally, grant of applications for adjustment of status is within the discretion of the Attorney General. INA § 245. An applicant for adjustment of status must establish that s/he has good moral character if order for AG to exercise its discretion favorably. A noncitizen's failure to support dependent by paying child support is a negative discretionary factor in establishing good moral character. See *In re Malaszenko* 204 F. Supp. 744 (D.N.J. 1962).

In the Congress' passage of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009 included 8 U.S.C. § 1182 (a)(4)(B), imposed new requirements for foreign nationals in family immigration cases to overcome public charge inadmissibility "the US Congress required visa sponsors/husband, rather than the American people, serve as a safety net to immigrants". ("When measuring the immigrant's income, the court must disregard the income of anyone in the household who is not a sponsored immigrant"). *In re: Erler v. Erler* case No. 14-15362. See Appendix C:

The 2016 three day trial court's ruled in this case:

"[John Mason] who is a former husband and a sponsor to Tatyana had no real incentive to continue to work with

[Tatyana] to maintain her permanent status in the United States early on in the marriage due to his domestic violence toward Tatyana” RP 11/02/16 at 470 (ruling). “The conditions on the conditional permanent residence were not removed within the two years as required under the law. RP 11/02/16 at 471(ruling).

“Right now, [Tatyana] is in disfavored status as someone who has significant unpaid child support and that the immigration authorities have the discretion to deny her permanent residency at this point, so she is in the awkward position of being in this country but having no ability to obtain permanent status. And with the focus on legal status that currently exists in this country, it's not hard to believe that most employers will not hire her, because she is not able to show proof of legal status. And were she to go back to immigration, she would most likely be denied because of the child support order” RP 11/02/16 at 471(ruling).

“No evidence that the court ever considered the impact of the I-864 on the obligations of John and Tatyana to each other. Certainly, if a court was entering a child support order, it would take into account whether or not the person receiving child support was also paying spousal maintenance to the person paying it. I mean, I think that goes without saying that that would be considered both in the calculation of the child support and as to offsets”. RP 11/02/16 at 472 (ruling). *See Appendix C.*

The court of appeals of state of Washington improperly ignored Federal & Immigration law and overturned the 2016 order by continue forcing a person to work without proper authorization and to deliberately violate INA §274(A)(a); INA §245(c). Also, the state court of appeals ignored the Congress’s passage of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), Pub. L. No. 104-208, 110 Stat. 3009 included 8 U.S.C. § 1182 (a)(4)(B), and contradicts to the US Supreme Court’s case *Arizona v. United States*, 567 U.S. 387 (2012) and to the *S.B.1070* law.

The Washington state court decisions warrant this Court's review because the federal question in this case—under what circumstances a state court improperly ignored and intrudes on authority allocated to Federal Law and Congress which has specifically been identified as meriting review by multiple Justices of this Court.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257.

REASONS EXTENSION IS JUSTIFIED

Supreme Court Rule 13.5 provides that “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.” An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified.” Sup. Ct. R. 13.5. The specific reasons why an extension of time is justified are as follows:

A. UNEXPECTED SERIOUS CANCER MEDICAL CONDITIONS:

At the end of 2018, Tatyana was diagnosed with cancer. In February and March 2019 she had serious surgeries and going through intense chemotherapy and other cancer treatments, which is preventing her to work and preparing a petition of writ of certiorari for a few months. Tatyana is under pain medicine and other medical drugs. *See Appendix A* The letter from a doctor's office states

that Tatyana is unavailable to work on any legal issue in March, April and May 2019 due to her serious medical condition².

B. OTHER REASONS:

Applicant-Tatyana is appearing as a *pro-se* litigant. She is not an attorney, has not received a formal training as an attorney, and does not speak English as her first language. The schedule of the remedial phase in this case is extremely compressing and work-intensive. Therefore, beside Tatyana's unexpected serious cancer medical conditions she is going through now, she would need more time to comply with this Court's specific rules, to professionally prepare her petition for writ of certiorari.

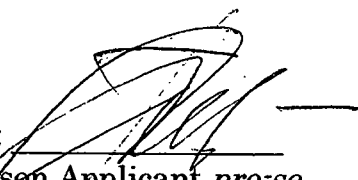
CONCLUSION

For the foregoing reasons and good cause shown, Applicant respectfully requests that this Court grant this application for an extension of time to file a petition for writ of certiorari on August 2, 2019.

Under Penalty of Perjury under law of the United States, everything written above in this application is true and correct.

DATED March 13, 2019

Respectfully submitted by:


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² Release to work from a doctor's office dated March 13, 2019: "Tatyana Mason is under acute medical care involving systematic chemotherapy; she has had surgery in December, February 2019 and will be having another surgery on March 14, 2019. She is unavailable in March, April and May due to her serious medical condition. She may have additional treatment after surgery. Tatyana Mason cannot work on any legal issues until further notice".