

NO. _____ - _____

IN THE SUPREME COURT OF THE UNITED STATES

Elven Joe Swisher, Petitioner.

v.

Robert L. Wilkie,
Secretary, Dept. of Veterans Affairs

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

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit.

Pursuant to 28 U.S.C. §2101 (.c) and Rule 13.5 of the Rules of this Court, Petitioner Elven Joe Swisher prays for a fifty-nine (59) day extension of time to file his Petition for Certiorari in this Court to and including June 14, 2019. The final Judgement of the Court of Appeals for the Federal Circuit was entered on January 16, 2019 and petitioner's time to Petition for Certiorari in the Court expires April 16, 2019. This Application is being filed more than ten (10) days before that date.

Copies of the majority and dissenting opinions below are attached hereto. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) (Appendix 1).

As shown by the opinion below, this case involves the validity under the Due Process Clause of the Fifth and Fourteenth Amendments, which, in their application to the Petitioner, the Court of Appeals for the Federal Circuit relied upon an incorrect view of the law. The case presents important questions under the Constitution of the United States that were determined adversely to Petitioner by the court below. The Constitutional violations in this case affect many veterans.

Each year, thousands of veterans who have suffered injuries while in the military are denied VA disability benefits because V.A. officials refuse to obey United States laws and agency rules and regulations. Their violations are generally upheld or ignored by the V.A. Board of Appeals and subsequent courts. Petitioner's case is a prime example of this abuse of power.

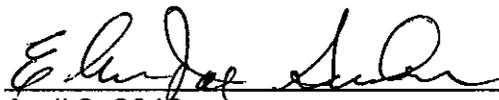
Petitioner has at all times been represented in the courts by himself, pro se.

Petitioner is an 82 year old service connected disabled American veteran who, for the past several months, has been hospitalized several times in a struggle for life over death. Petitioner is suffering from end stage renal disease see Appendix 2).

Petitioner has been on hemo-dialysis until the middle of February, 2019. Following a second surgical implant in January of 2019 (Appendix 3), Petitioner was gradually moved from hemo-dialysis to peritoneal dialysis in late February 2019. Since that time, Petitioner has been receiving dialysis treatments for ten hours each day. During the months of January, February and March, Petitioner has also suffered from various infections and extremely painful service injuries which have, until this week, required pain medications (oxycodone) every four (4) hours for pain (Appendix 4). Petitioner's illness and injuries have prohibited him from making a timely filing of his Writ of Certiorari. Petitioner is unable to hire an attorney and resides two (2) hours one way from the nearest law library. If an extension is granted, Petitioner will be able to perform the necessary legal research so that questions may be properly framed and argued to this Court.

For these reasons, Petitioner respectfully requests that an order be entered extending his time to Petition for Certiorari in the above-captioned case to and including June 14, 2019.

Respectfully submitted,



April 2, 2019
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