

No. 18A1323

ORIGINAL

IN THE
Supreme Court of the United States
SETH MITCHELL,
Sole Applicant,
VS.
MACY'S, INC., *ET AL.*
Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

DIRECTED TO THE HONOURABLE RUTH BADER
GINSBERG, ASSOCIATE JUSTICE OF THE SUPREME
COURT OF THE UNITED STATES OF AMERICA AND
CIRCUIT JUSTICE FOR THE SECOND CIRCUIT

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13 JUNE 2019

**TO THE HONOURABLE RUTH BADER GINSBERG,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE
UNITED STATES OF AMERICA AND CIRCUIT JUSTICE
FOR THE SECOND CIRCUIT:**

Good Plaintiff – Prosecutor – Appellant – Sole Applicant, self-represented and *in forma pauperis*, hereby respectfully makes this Good Faith Application for an Extension of Time to File a Petition for Writ of Certiorari of sixty (60) days as per Rule 13.5. He seeks review of an unconscionable and erroneous Order of the Second Circuit Entered on **29 March 2019** that unjustly denied Sole Claimant SETH MITCHELL's Emergency Motion for Panel Reconsideration/Reconsideration *en banc* of an Appeal of unconscionable and erroneous dismissal of any and all meritorious claims He asserted in an action originally brought in District Court, Southern District of New York (SDNY Index No. 17-CV-1845).

No existing Named or Doe defendant (as per SDNY Index No. 17-CV-1845) has engaged in any private good faith dialogue with Sole Applicant and no Settlement whatsoever to any past or present Claims asserted against the Named and Doe defendants in 17-CV-1845 has transpired.

For the good faith reasons set forth herein, infinitely aggrieved Sole Applicant SETH MITCHELL respectfully requests

that Her Honour Grant His Application to Expand Time to File His Petition from **27 June 2019** until **26 August 2019**.

CASE BACKGROUND

This Controversy's genesis arose from a set of clearly - articulated meritorious Claims Plaintiff asserted against headline defendant Macy's, Inc. that arose in an employment context. Over the course of His two-year employment at Macy's, Inc.'s Bloomingdale's, Inc. Division in New York County, New York, He was subjected unequivocally and recursively to a buffet of heinous instances of civil and criminal wrongdoing which included:

1. Unconscionable denials of fair and reasonable requests for disability accommodation;
2. Sexual harassment;
3. Promotion of hostile work environment;
4. Religious, gender, age, and race discrimination;
5. Retaliatory Discharge for Filing EEOC Discrimination Charges;
6. Vindictive, malicious, and illegal unconscionable denials of Emergency Hardship Requests from his 401k Plan by

Macy's, Inc. and Administrator Bank of America Corporation which resulted directly in His forced eviction from His primary residence;

7. Purposeful breaches of HIPAA by Sole Applicant's medical insurer CIGNA Corporation and Macy's, Inc. where private and extremely sensitive medical data was illegally shared between to the two, contributing directly to the Retaliatory Discharge;
8. Breach of explicit [employment/union] contract;
9. Intentional Infliction of Emotional Distress, *at least*.

Even though the Initiating Complaint (and the entirety of the Docket in 17-CV-1845) was replete with substantive and voluminous factual evidence to support Plaintiff's requested Jury Trial, the lower court judge, Analisa Torres, unjustly, prejudicially, and very suspiciously granted defendants' motion to dismiss the complaint before discovery was even permitted to commence; prior to this inequitable dismissal, assigned magistrate judge Sarah Netburn *herself* violated recursively Federal Rules which infinitively aggrieved Sole Applicant, namely her stark

violations of FRCP 15(a)(2) and other obvious prejudicial maneuvers against Him as codified in the Docket and particularly at Court appearances (See Transcript dated 26 January 2018 (APPENDIX A)).

Then, in the same very unjust and suspicious vein, The Court of Appeals for the Second Circuit unfairly dismissed the good faith Appeal prior to any Appearance or Filing of any Briefs; Sole Applicant's "APPELLANT'S EMERGENCY MOTION TO RECALL MANDATE PENDING FILING OF WRIT OF CERTIORARI as per FRAP 14 and as per PART III, RULE 10a OF THE SUPREME COURT OF THE UNITED STATES" (APPENDIX B) is still Pending.

OPINIONS DOWN BELOW

On 29 March 2019 The Second Circuit Issued an unconscionable Order denying Appellant's Motion for Reconsideration/Reconsideration *en banc* (APPENDIX C);

On 22 February 2019 The Second Circuit Issued an unconscionable Order denying Appellant's various good faith motions and dismissing prematurely the Appeal (**APPENDIX D**);

On 25 September 2018 District Judge Analisa Torres Issued the entirely erroneous and defective Order down below unconscionably dismissing each and every meritorious Claim Plaintiff asserted against the defendants (**APPENDIX E**).

JURISDICTION

This Court has Jurisdiction over this Matter based upon, at least, 18 USC 1254(1), Supreme Court Rule 13.5, and particularly Supreme Court Rule 10(a) where:

".....A petition for a writ of certiorari will be granted only for compelling reasons.....a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter.....or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower

court, as to call for an exercise of this Court's supervisory power....."

Here, the intentional failures by the District Court and Second Circuit to adjudicate impartially, timely, and prudently have exacerbated Sole Applicant's severe long-term emergency medical conditions, have perpetuated his indigent and long-term homeless state, and threatened his safety and security to the extent such injustices can be deemed tangibly life-threatening.

GOOD FAITH RATIONALE FOR SOLE APPLICANT SETH MITCHELL'S EXPANSION OF TIME AS PER RULE 13.5

1. Sole Claimant is self-represented and *in forma pauperis* and not an "attorney at law": He requires the additional time to perfect his Petition in this admittedly extremely complex and multi – faceted controversy, as a Supreme Court neophyte;
2. As a direct result of catastrophic loss due to extreme flooding in Sole Applicant's temporary residence in September 2018, many of his personal and

irreplaceable effects, *including hundreds of pages of vital documentation and evidence associated with this Case*, were destroyed; He requires the additional time to obtain copies of as much of the integral data as possible so he can Perfect his Petition;

3. He requires the additional time to continue to seek experienced counsel to represent Him before the Supreme Court of the United States of America;
4. The demands of his extreme medical, financial, and residential emergencies (*mostly related directly to the indelible harm caused by the defendants and then compounded egregiously by the determined injustices of the District Court and Second Circuit in timely assuaging these irrefutable injuries*) have resulted in an inordinate amount of time over the past six months being devoted to handling said emergencies; the Expansion of Time is necessary so He can better cope with the demands of his ongoing emergencies coupled with the demands of the Filing of His Petition.

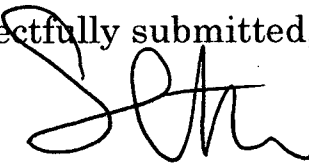
CONCLUSION

Given that this Case presents highly novel questions of law, that Sole Applicant has been further significantly aggrieved by the courts down below, and that He has shown good cause for the Approval of His Application for an Expansion of Time to File His Petition for Writ of Certiorari, Sole Applicant SETH MITCHELL respectfully requests that Her Honour instantaneously Grant said Application.

Dated: This the 13th day of June in our year 2019
New York County, New York

Respectfully submitted,

Duly Executed:

 13 JUNE 2019

Seth Mitchell, Sole Applicant
Self – represented & *in forma pauperis*
Seth Mitchell v. Macy's, Inc., et al.