

No. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.

OCTAVIO DIAZ,
Petitioner,
v.

COUNTY OF SAN BERNARDINO, a
political subdivision, JOHN
McMAHON, as Sheriff, ROBERT
OAKLEAF, as Sheriff's Deputy, DEP.
CASEY, as Sheriff's Deputy, DEP.
LEACH, as Sheriff's Deputy, COREY
EMON, as Sheriff's Deputy, DEP.
IZQUIERDO, as Sheriff's Deputy, SGT.
WILSON, as Sheriff's Deputy, DEP.
MacKEWEN, as Sheriff's Deputy,
MICHAEL A. RAMOS, as District
Attorney, LISA MUSCARI, as Deputy
District Attorney, and BRYAN
STUMREITER,

Respondents.

Case No.: S256784
(COA No. 4th Civ. E068838)
(SBSC No. CIVDS 1417767)

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**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI, DECLARATION OF OCTAVIO DIAZ.**

On Petition for Writ of Certiorari from the Judgment
Of the California Court of Appeal, Fourth Appellate District, Division Two.

APPLICATION PRESENTED TO THE HONORABLE ELENA KAGAN,
ASSOCIATE JUSTICE OF THE SUPREME COURT.

OCTAVIO DIAZ
62381 Belmont St.
Joshua Tree, CA, 92252
TEL.: (760) 401-4828
Petitioner in Pro Se

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

NOTICE IS HEREBY GIVEN that Petitioner Octavio Diaz applies to this Honorable Justice for an extension of time to file his Petition for Writ of Certiorari.

Jurisdiction is based on 28 U.S.C., §1257(a).

Petitioner is seeking relief by way of Certiorari of the Judgment of the California Court of Appeal, Fourth Appellate District, Division Two, dated May 31, 2019, in the case of *Diaz v. County of San Bernardino*, California Court of Appeal No. 4th Civ. E068838. A copy of the Unpublished Opinion is attached as Exhibit “A” to the Declaration of Octavio Diaz. A Petition For Review was denied by the California Supreme Court on August 21, 2019.

Petitioner is requesting an extension of time to file for Certiorari in part because he is of age, and still has compile the issues needed to be discussed in the Petition.

Petitioner applies on the following grounds that:

1. Petitioner is likely to succeed in his Certiorari Petition in that the Superior Court erroneously granted summary judgment based on “probable cause” when he was defending himself with a gun against a White, multiple-strike convicted felon, and trespassing Hell’s Angels member, even though the case of *Manuel v. City of Joliet*, 137 S. Ct. 911, 919-920, and fn. 8 (2017), now allows a review of the lack of probable cause may be reviewed, where he was later found **NOT GUILTY**.
2. Petitioner is requesting up to 60 days to file for Certiorari in that he wants more time to gather copies of the rulings for his Appendix to his Petition. Because the California Court of Appeal disregarded the precedents of this Court, and is in conflict with the Second, Third, Fifth, Sixth, Seventh and

Tenth Circuits, and the Oklahoma Civil Court of Appeals, Petitioner would like to discuss these issues in his Petition herein.

Petitioner requests that he be given up to 60 days to file his Certiorari Petition, or in the alternative, that this Application be granted up to 30 days to properly prepare his Petition.

This Application would be based on the Declaration of Octavio Diaz, the record of proceedings before the Superior Court and the California Court of Appeal, and on any oral or documentary evidence that may be presented at the consideration of this Application.

Dated this 7 th day of November, 2019

By: Octavio Diaz
OCTAVIO DIAZ
62381 Belmont St.
Joshua Tree, CA., 92252
TEL.: (760) 401-4828
Petitioner in Pro Se

DECLARATION OF OCTAVIO DIAZ.

I, Octavio Diaz, declare that:

1. I am the Petitioner in the above-entitled case. If I am called to testify as a witness, I would competently and truthfully testify under oath.
2. Jurisdiction of my Petition is based on 28 U.S.C., §1257(a).
3. I am seeking relief by way of Certiorari of the Judgment of the California Court of Appeal, Fourth Appellate District, Division Two, dated May 31, 2019, in the case of *Diaz v. County of San Bernardino*, California Court of Appeal No. 4th Civ. E068838. A copy of the Unpublished Opinion is attached as Exhibit “A” to this Declaration, and incorporated by reference. A Petition For Review was denied by the California Supreme Court on August 21, 2019.
4. I am requesting an extension of time to file for Certiorari in part because I am of age, and still have compile the issues needed to be discussed in the Petition.
5. I am likely to succeed in his Certiorari Petition in that the Superior Court erroneously granted summary judgment based on “probable cause” when he was defending himself with a gun against a White, multiple-strike convicted felon, and trespassing Hell’s Angels member, even though the case of *Manuel v. City of Joliet*, 137 S. Ct. 911, 919-920, and fn. 8 (2017), now allows a review of the lack of probable cause may be reviewed, where he was later found **NOT GUILTY**.
6. I am requesting up to 60 days to file for Certiorari in that I want more time to gather copies of the rulings for his Appendix to his Petition. Because the California Court of Appeal disregarded the precedents of this Court, and is in conflict with the Second, Third, Fifth, Sixth, Seventh and

Tenth Circuits, and the Oklahoma Civil Court of Appeals, Petitioner would like to discuss these issues in his Petition herein.

7. I therefore request that I am given up to 60 days to file my Certiorari Petition, or in the alternative, that this Application be granted up to 30 days to properly prepare my Petition.

Under the penalty of perjury, under the laws of the State of California, I declare that the foregoing is true and correct, and that this declaration was executed on November 7, 2019, at San Bernardino, California.



OCTAVIO DIAZ,
Declarant.