

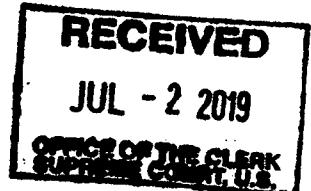
No.

IN THE SUPREME COURT OF THE UNITED STATES

Thomas Ritter Helm,
Petitioner,

v.

Lisa Lorraine Hauser,
Respondent.



**APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF TEXAS**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit.

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, 29 and 30.2 of this Court, Petitioner Thomas Ritter Helm respectfully requests a 57-day extension of time in which to file a petition for a writ of certiorari, to and including September 06, 2019. The Supreme Court of Texas denied the petitioner's motion for rehearing of petition for review, Case No. 18-1175, on April 12, 2019. Mr. Helm's time to file a petition for a writ of certiorari in this Court expires on July 11, 2019. This application is being filed more than 10 days before that date. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254. A copy of the Supreme Court of Texas' denial of the petitioner's motion for rehearing of the petition for review is attached as Exhibit 1.

TEXAS FAMILY CODE, Sec. 9.007. LIMITATION ON POWER OF COURT TO ENFORCE, clearly states that the trial court, in this case the 57th Judicial District Court, Bexar

County, Texas, had the jurisdictional authority to render further orders to enforce or clarify the decree so long as they did not amend, modify, alter, or change the substantive division of property, however, the trial court judge did just that, by completely changing the substantive division of property. The judge's ruling was based on her interpretation of a mediated settlement agreement used to create the divorce decree which was approved and signed by both the Petitioner and Respondent.

The Respondent was also awarded retroactive pay and has a judgment against the Petitioner for over \$100,000.00. The Respondent had a requirement, like any other former spouse, to file an application with the Office of Personnel Management (OPM) in order to begin receiving a portion of the federal employee's retirement annuity payments. Title 5, Chapter I, Part 838, Subpart B - Procedures for Processing Court Orders Affecting Employee Annuities - § 838.221 - Application requirements, mandates that the application must include a certified copy of the court order acceptable for processing that is directed at employee annuity. There was no court order or divorce decree that awarded the Respondent a portion of the Petitioner's retirement annuity therefore the Respondent had no authority to apply with OPM for annuity benefits. It was only when the trial court judge altered the divorce decree that provided OPM with an acceptable document for processing that allowed the Respondent to apply for a portion of the Petitioner's retirement annuity. OPM starts the payments after they receive an acceptable order. There is no retroactive pay. Title 5, Chapter I, Part 838, Subpart B – § 838.231 Commencing date of payments.

The attorney retained by the Petitioner failed to mention any of this during the trial court hearing. After spending thousands of dollars, the Petitioner relieved the attorney of her duties to represent him and has acted as a pro se litigant since that time.

Having filed a petition for review with the Fourth Court of Appeals, this panel of judges justified their affirmation of the trial court's decision with an opinion that did not even address the Petitioner's arguments. The Fourth Court of Appeals as well as the Supreme Court of Texas denied any further review of the Petitioner's arguments.

Because any state could find some authority to alter a signed agreement which is deemed unambiguous, in this case a divorce decree, any former spouse could be awarded retroactive pay based on a federal retirement even though an application was never processed by OPM. Based on federal directives, OPM will not pay retroactive retirement annuities, but the federal employee could still be held accountable for these funds based on a trial court's decision.

Petitioner seeks this extension of time to be able to prepare and file a cogent and succinct petition for a writ of certiorari, preferably with the assistance of a new licensed attorney, to aid this Court in its analysis of the issues presented. This request is not sought for delay but so that the pro se Petitioner may meet the filing requirements of the Supreme Court of the United States to file a petition for a writ of certiorari, allowing him the right to be heard and so that justice may be done.

For the foregoing reasons, Petitioner respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari to and including September 06, 2019.

Respectfully Submitted,



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