

Redacted Copy

App. No. _____

In the
Supreme Court of the United States

Elizabeth Haring Coomes,
Petitioner

v.

Thomas P. Gorman
Respondent

**PETITIONER'S APPLICATION TO EXTEND TIME TO FILE A PETITION FOR A WRIT
OF CERTIORARI
ADA REASONABLE ACCOMMODATION REQUEST**

From the Judgment of the 4th Circuit Court of Appeals Case no. 18-2421

To the Honorable John G. Roberts, Jr., as Circuit Justice for the United States 4th Circuit:

Petitioner Elizabeth Haring Coomes respectfully requests that the Rules be suspended or waived, the Court accept this application within 10 days, and the time for Petitioner to file a Petition for a Writ of Certiorari in this matter be extended for sixty days. Good cause, excusable neglect, judicial economy, the ends of justice, equitable reasons, statutory reasons, and extraordinary circumstances exist to justify granting this relief. Ms. Coomes is an unrepresented lay person who is disabled within the meaning of the ADA and regarded as disabled within the meaning of the ADA. In addition to both serious and chronic illnesses (her ADA protected disability) she is presently contending with an extraordinary situation: over 40 legal matters due to the unlawful dismissal of her chapter 13 Bankruptcy case and the lower Court's denial of her right to counsel.

This case is as unusual as it is extraordinary. This case and its related cases raise issues of national importance, serious constitutional questions, and important unresolved questions of law with widespread application. To her knowledge, Ms. Coomes is the first person in American history to be found in criminal contempt and hit with *sua sponte* indirect criminal contempt sanctions without notice or a hearing because she filed and tried to perfect a by right direct appeal from the Bankruptcy Court to the US District Court.

This case raises the important question of whether the 4th Circuit's *Pro Se* Procedures deferring motions for the appointment of counsel and deferring IFP applications pending review on the merits is unconstitutional, contrary to the Rules Enabling Act, the CJA, substantive Virginia law, this Court's binding legal authority, the Federal Rules of Appellate Procedure, and therefore invalid because an indigent person whose life, liberty, property, and basic human needs are implicated, or whose case can only be fairly represented by counsel is entitled to the assistance of counsel at all stages of their first appeal and to prepare a Supreme Court certiorari petition. This case also raises the question of whether FRAP 4's tolling provision is applicable to a Bankruptcy appeal from the District Court to a Court of Appeals, and whether the District Court retains jurisdiction over the subject matter of a Bankruptcy appeal pending at a Court of Appeals. Furthermore, this case raises the question of what is "frivolous." Frivolity is undefined in Federal law, the Bankruptcy code, and this Court's opinions. The District Court deemed Ms. Coomes' appeal on the basis she was deprived of the expressly required notice and reasonable opportunity for hearing "frivolous." It is also an ideal vehicle for this Court to decide the question of civil *Gideon*, decide whether a Bankruptcy Court may dismiss a case with prejudice *sua sponte* pursuant to 11 USC 1307(c) without notice and reasonable opportunity for hearing, whether the standing chapter 13 Bankruptcy trustee is a party in interest within the meaning of

11 USC 1307(c) and has standing to request dismissal with prejudice pursuant to 11 USC 1307(c), and whether the standing requirements of the Bankruptcy Code and traditional Article III Constitutional standing are co-extensive.

Jurisdiction

The judgment of the Court of Appeals was entered on September 26, 2019. On October 10, 2019, Petitioner moved the 4th Circuit to extend time to file a Petition for Rehearing and Rehearing *En Banc*. On October 18, 2019, the Court entered an Order deferring consideration of the motion. On November 12, 2019, the Court entered an Order denying the motion to appoint/assign counsel, motion for abeyance, motion to extend rehearing filing time, and motion to suspend the Rules. On December 6, 2019, the Court issued its mandate. This Court has jurisdiction pursuant to the United States constitution and 28 U.S.C. § 1254(1).

Procedural History

On July 10, 2018, the Alexandria division of the United States Bankruptcy Court for the Eastern District of Virginia dismissed Ms. Coomes' chapter 13 case with prejudice for 180 days. There was plain error. The Court "heard" and "granted" the standing chapter 13 Trustee's amended motion to dismiss pursuant to 11 USC 1307(c) that was not noticed for hearing or before the Court on June 6, 2018. Ms. Coomes was not given prior notice of nearly all reasons that formed the basis of the dismissal, most of which were raised for the first time at the hearing. Many reasons for the dismissal were raised *sua sponte* by the Court in chambers after it took the matter under advisement. The Court deprived Ms. Coomes of her Plan Confirmation hearing scheduled for August 9, 2018, which she reasonably relied upon and is expressly required by the Bankruptcy code. Instead, the Court *sua sponte* ruled on Ms. Coomes' amended Plan by himself in chambers after the hearing, decided it suffered from intractable feasibility problems, and dismissed the case. The Court's ruling was both factually and legally erroneous. Ms. Coomes

fully complied with the Bankruptcy code and did nothing that rose to the level of “bad faith.” For example, the Court found Ms. Coomes had “bad faith” because of pre-petition conduct such as being unable to pay nearly \$700,000 to the mortgage companies after they accelerated both mortgages. The Court erroneously found Ms. Coomes had been in chapter 13 bankruptcy almost continuously for 6 years without a confirmed Plan. However, this same judge had confirmed two chapter 13 Plans for Ms. Coomes in her first chapter 13 case commencing in September 2012. The Court also found Ms. Coomes had “bad faith” on account of post-petition conduct that included a brief several week delay listing her lots for sale upon her return from Mayo Clinic and the fact her personal injury case trial had not been re-scheduled due to a state Court Order staying it. The Bankruptcy Court erred when it failed to consider the totality of the circumstances as well as the best interests of creditors and the Bankruptcy estate. On July 17, 2018, Ms. Coomes lost counsel. She was unable to afford to retain new counsel.

On July 20, 2018, Ms. Coomes timely noted objections and exceptions to the dismissal Order and moved the Court to reconsider. On October 16, 2018, Ms. Coomes filed a motion for a new hearing, asking the Bankruptcy Court to vacate the dismissal Order and grant her a new hearing on the basis she was deprived of notice and reasonable opportunity for hearing before her case was dismissed in violation of 11 USC 1307(c), 11 USC § 1324(a), 11 USC 102, Rule 9014, Rule 2002, constitutional Due Process, and binding legal authority. The chapter 13 Trustee and Court conceded the notice issue, which alone is dispositive. On October 17, 2018, the Court denied the Motion for a New Hearing and issued an unprecedented ruling, without citation of any authority, that Ms. Coomes was not entitled to an actual “in-court” hearing. The Court misconstrued Ms. Coomes’ Motion for a New Hearing as a motion to continue the October 18, 2018 hearing on her motion to reconsider the Bankruptcy dismissal Order. If it were a

motion for a continuance, it would be a procedural interlocutory Order instead of a final, appealable Order. However, the Motion for a New Hearing was obviously not a motion for a continuance – it did not ask for a continuance. It was a motion to vacate pursuant to FRBP 9024. Ms. Coomes' made an unrelated actual motion for a continuance two days later on October 18, 2018. On May 8 and May 29, 2019, the Bankruptcy Court issued two Orders inadvertently admitting the Motion for a New Hearing was not a motion for a continuance. However, the 4th Circuit denied Ms. Coomes' motion to supplement the record with these relevant records.

On October 23, 2018, Ms. Coomes timely noted an appeal to the District Court. On October 24, 2018, the Leesburg, Virginia house which had been Ms. Coomes' home for the better part of over 12 years went to a foreclosure auction as a result of the Bankruptcy dismissal. On October 26, 2018, the District Court *sua sponte* dismissed her appeal and issued a scathing Order affirming the Bankruptcy Court's unprecedented ruling that Ms. Coomes was not entitled to an actual "in-court" hearing prior to dismissal with prejudice. Without citation of any authority, the District Court ruled Ms. Coomes' appeal was "frivolous."

On November 6, 2018, Ms. Coomes filed a motion to alter or amend, a motion for summary reversal, and a motion to extend time to file the transcripts and designation. On November 8, 2018, the District Court issued an Order *sua sponte* finding Ms. Coomes had committed contempt of Court and sanctioned her with a criminal contempt sanction in the form of an unprecedented, unconstitutional, permanent, absolute filing bar Order applicable to her pending case. Not only did the Court issue the Order without any notice or opportunity for hearing, Ms. Coomes was forever barred from seeking to vacate or modify the Order due to the District Court's injunctive Order. On November 9, 2018, prior to receiving the District Court's

November 8, 2018 Order, Ms. Coomes filed a motion to reconsider the District Court's October 26, 2018 Order. The District Court effectively denied it by not ruling on it promptly.

On November 23, 2018, Ms. Coomes timely noted an appeal of the District Court's October 26, 2018 and November 8, 2018 Orders to the 4th Circuit Court of Appeals. Ms. Coomes timely filed her informal opening brief in the 4th Circuit on April 9, 2019. Two days later, the Bankruptcy Court issued a Rule to Show Cause why Ms. Coomes should not be barred from further permissible filings in her pending case. On May 8 and 29, 2019, the Bankruptcy Court exceeded its authority, and issued unprecedented, overbroad, patently unconstitutional, transparently unlawful Orders barring Ms. Coomes from filing expressly allowed filings and any further motions in her own pending case. The filing Bar Orders are criminal contempt sanctions, despite the fact Ms. Coomes never violated any Court Orders or laws, her intentions were good, and all her conduct was lawful. The filing Bar Orders permanently deprived Ms. Coomes of meaningful access to the Court in violation of her 1st, 5th, 6th, and 14th amendment rights, and the intent and purpose of the ADA. Among other things, Ms. Coomes could not even file objections and exceptions to the filing Bar Orders, prejudicing her appeals. On May 28, 2019, the District Court issued an Order denying Ms. Coomes' November 9, 2018 motion to reconsider, and again exceeded its authority by enjoining Ms. Coomes from filing any further pleadings. On June 17, 2019, Ms. Coomes' rental house also went to a foreclosure auction. On June 27, 2019, Ms. Coomes filed an amended notice of appeal to the 4th Circuit, adding the District Court's May 28, 2019 Order. She later filed a copy of her amended notice of appeal at the 4th Circuit on July 3, 2019. Instead of amending the existing case no. 18-2421 and issuing a new briefing Order, the 4th Circuit established a new case no. 19-1740 and charged Ms. Coomes another docketing fee. On July 25, 2019, the chapter 13 Trustee filed a motion to dismiss or consolidate. The 4th Circuit

granted Ms. Coomes an extension of time until September 4, 2019 to file her opposition to it. Then the 4th Circuit *sua sponte* issued an Order on August 15, 2019 deciding part of the Trustee's motion, inexplicably denying his request to consolidate before Ms. Coomes' response was due. On August 19, 2019, Ms. Coomes filed a motion to appoint/assign counsel. Although Ms. Coomes was entitled to counsel, the 4th Circuit effectively denied the motion by deferring consideration of it pending review on the merits.

On September 26, 2019, the 4th Circuit issued a decision affirming the District Court Orders and entered a Judgment. On October 10, 2019, Petitioner moved the 4th Circuit to extend time to file a Petition for Rehearing and Rehearing *En Banc*. She asked for this relief because of extraordinary circumstances and as a reasonable accommodation pursuant to the ADA since her disability includes serious illnesses. The 4th Circuit did not grant her ADA reasonable accommodation request, without providing any explanation. On October 18, 2019, the Court entered an Order deferring consideration of it, effectively denying it, without making a finding it was an undue burden on the Court. That same day, Ms. Coomes was hospitalized due to a life threatening condition. Her treatment plan was changed as a result, creating material adverse side effects. On November 12, 2019, the Court entered an Order denying the motion to appoint/assign counsel, motion for abeyance, motion to extend filing time, and motion to suspend the Rules, without any explanation, and without making a finding it was an undue burden on the Court. On December 6, 2019, the Court issued its mandate in this case.

On December 6, 2019, the Court also issued a decision in the related case no. 19-1740. Case no. 19-1740 presents the question of whether Federal Rules of Appellate Procedure 4(a)(1)(A), 4(a)(5), and 4(a)(6) placing time limits on an appeal of bankruptcy matters or other proceedings under Title 11 from district courts and bankruptcy appellate panels is a jurisdictional

Rule or a non-jurisdictional “claim-processing” Rule, and if it is a non-jurisdictional “claim-processing” Rule, whether it is mandatory, or if equitable tolling is permitted. The plain language of the underlying statute, *viz.* 28 USC 2107(d) expressly states that FRAP 4, including 4(a)(1)(A), 4(a)(5), and 4(a)(6), “shall not apply to bankruptcy matters or other proceedings under Title 11.” Moreover, 28 USC 158(d)(1) which confers jurisdiction to courts of appeals over final decisions, judgments, and Orders of District Courts, does not have a timeliness requirement. This case also raises the question of whether FRAP 4 and FRAP 6 are invalid to the extent FRAP 4 and FRAP 6 conflict with acts of Congress, namely the Rules Enabling Act, 28 USC 2107(d) and 28 USC 158(d)(1), conflict with the intent and purpose of the FRAP and the Bankruptcy code, and abridge the substantial rights of Ms. Coomes: her right to meaningful judicial review and her right to a remedy. Furthermore, it raises the question of whether the Court must accept an allegedly untimely filed appeal in the absence of an objection from the opposing party. The case also raises the important question of whether the unique circumstances doctrine is applicable to non-jurisdictional claim-processing rules.

Good Cause, ADA Protected Disability, and Extraordinary Circumstances Exist

Since Ms. Coomes is a lay person, she was denied her right to counsel, she is presently contending *pro se* with over 40 legal matters between the 4th Circuit, in five state Courts in Virginia and Pennsylvania states, and three US District Courts, and she is disabled within the meaning of the ADA, she has been unable to meet the deadlines in all of her cases, file this application 10 days prior to the deadline for the certiorari petition, or prepare and file a certiorari petition by the 90 day deadline. Ms. Coomes asked the District Court and 4th Circuit to suspend the cases because she could not keep up, but the Courts did not. Ms. Coomes asked the 4th Circuit to extend time for the petition for rehearing on her mandamus case no. 19-1562, this case,

and case 19-1740, but the Court did not. Ms. Coomes had counsel in the state Court case to retain possession of her Leesburg, Virginia house after the foreclosure, but he unexpectedly abandoned her case recently because he wanted more than his usual \$5,000 retainer and \$1,500 per month fee, but Ms. Coomes could not afford it. As a result, Ms. Coomes recently had to prepare an opposition to Bank of NY Mellon's pending motion set for December 6, 2019 and a motion for a continuance in the Loudoun County case. On October 14, 2019, US Bank filed a case in Shenandoah County, Virginia state Court to obtain possession of Ms. Coomes' rental property, but did not serve Ms. Coomes. Ms. Coomes had to represent herself in state Court in that case on October 21, 2019, prepare, and file objections. On November 15, 2019, she prepared a removal notice and removed it to the US District Court in the Western District of Virginia. She had to file an answer and grounds of defense in that case on December 9, 2019. She currently has to prepare an opposition to US Bank's motion to remand as well as discovery in both bank cases. Ms. Coomes has had to contend with abusive litigation by Twin Trees LLC due to the bankruptcy dismissal. Presently, she has to prepare a brief at the 4th Circuit in connection with Twin Trees and there are multiple other state Court matters as well. Ms. Coomes had to prepare several complaints in November and December 2019 in connection with attorney malpractice in her Maryland Insurance Administration case because of recent statutes of limitations. On November 7 and November 15, 2019, Ms. Coomes had to testify in several animal control cases unexpectedly. She also received witness subpoenas to testify in the animal control cases on December 5, 2019 and January 6, 2019. Since the judgment was issued in this case, Ms. Coomes also had to prepare and file a number of pleadings in her 4th Circuit cases 19-1740, 19-1811 and the 20+ consolidated cases, and case no. 19-1355. On December 2, 2019, she had to prepare and file a new appeal of an unprecedeted District Court consolidation Order that consolidated a case

into her existing case no. 1:19-cv-00640, yet banned Ms. Coomes from filing anything in the consolidated case, including filing objections, much less anything else, prejudicing her ability to prevail on appeal. On November 8, 2019, Ms. Coomes had to appear in the District Court in Alexandria, Virginia for oral argument and a motion to vacate. At that time, Ms. Coomes invoked her right to counsel and also moved Judge Hilton to recuse himself because his recusal is mandatory per this Court's opinion in *Williams v. Pennsylvania*. Judge Hilton denied Ms. Coomes counsel, did not recuse himself, acted as both prosecutor and adjudicator, found Ms. Coomes in contempt, issued a criminal contempt sanction in the form of a bench ruling barring Ms. Coomes from raising the issues again. He did not issue an Order, so Ms. Coomes cannot successfully appeal the unlawful denial of counsel and recusal issues. Ms. Coomes had to expend time filing objections to the District Court ruling. On December 9, 2019, the District Court issued another Order, directing Ms. Coomes to respond by December 16, 2019. She did so. Ms. Coomes has four appeal briefs due between the District Court and the 4th Circuit. She has three certiorari petitions to prepare as well.

Due to the Bankruptcy dismissal, Ms. Coomes lost the majority of her income and became indigent. Had the Bankruptcy not been dismissed, Ms. Coomes would have approximately \$5,700 per month in rental income between the two houses, and a positive cashflow after expenses. The Bankruptcy dismissals also decimated Ms. Coomes' corporation Old Town Insurance & Financial Services, Inc. as well. Ms. Coomes lost her job on March 11, 2019 as a result of the litigation. She had to leave work early unexpectedly to file the appeal in Loudoun County when her lawyer could not file it. Ms. Coomes has incurred extraordinary opportunity cost. There is so much litigation Ms. Coomes has to contend with, it is more than a full-time job, and she cannot work full-time now. On June 8, 2019, Ms. Coomes became

itinerant and essentially homeless when her landlord sold the house in Ardmore, PA where she rented a room. Until December 12, 2019, Ms. Coomes was without a fixed address; she stayed with several friends, stayed in her car, stayed in several hotels, etc. It has been exceedingly hard for her to work on her cases without stable housing. She has had to rely upon public libraries with limited hours. On December 12, 2019, Ms. Coomes moved to Schwenksville, PA. Her local library, the Perkiomen Valley Library, has been closed for renovations and will remain closed until January 2, 2020. Ms. Coomes has access to the Indian Valley library 25 minutes away, but she is limited to 2 hours per day on the public computers there. The motherboard on Ms. Coomes' personal computer is broken and she cannot afford to replace it anytime soon.

Ms. Coomes had completed an application to extend time on Sunday, December 15, 2019. Ms. Coomes had planned to drive with a friend to Washington, DC on December 16, 2019 to timely file her application to extend time to file the certiorari petition. Schwenksville is a 3-4 hour drive from Washington, DC. The night before, she encountered an extraordinary situation. Her new residence had been foreclosed and was vacant for months prior to Ms. Coomes moving there on December 12, 2019. This put it at a much higher risk of burglary and vandalism. Ms. Coomes noticed the unit across the hall was been broken into; the lock had been drilled and there were boot prints on the door, showing someone had drilled the lock and kicked the door in. On December 15, 2019, Ms. Coomes was sleeping when around 10:45 pm, she was awoken by the sound of loud male voices and loud pounding on her door. There were several men outside her door, who did not identify themselves, and continued to pound hard on her door. She and her friend feared they were trying to break in and contacted 911. The police arrived and learned it was a group of men who lived in the building. A drain Ms. Coomes' 5th floor unit bathroom had leaked water down and continued to leak water into the 4 units below, flooding them. Hence,

these guys came pounding on her door. She stayed up very late waiting for the emergency plumber to come. However, the water slowed down and stopped after Ms. Coomes turned off the main valve. Management sent two plumbers the morning of December 16, 2019. Ms. Coomes was tied up with this unforeseen extraordinary plumbing emergency all morning. They found the source of the leak (her bathtub drain and a gasket) and fixed it by early afternoon. Attached as Exhibit "A" is a true and accurate copy of the invoice and a copy of the check for the repair. Ms. Coomes also had scheduled a locksmith to come the morning of December 16, 2019 to change the locks and repair a sliding glass door that did not lock. This was a safety issue and also was a code violation, as noted on the use and occupancy inspection report, a true and accurate copy of which is attached as Exhibit "B." Petitioner's handyman was unable to fix it. Before she left for Washington DC, Ms. Coomes had to get the lock fixed on the sliding glass door to secure her residence. The locksmith arrived late on December 16, 2019 and did not leave until after 2 pm.

Ms. Coomes was determined to drive to this Court with the help of a friend, then encountered an act of God. It had begun snowing around noon in Schwenksville on December 16, 2019. It was not safe for Ms. Coomes her friend to make the drive in the snow since her residence is near Spring Mountain at a higher elevation, her tires are very worn, and it is a long drive. Her friend's car failed the safety inspection due to a broken control arm and they could not safely drive her friend's car either. After it stopped snowing, Ms. Coomes had to drive 90 minutes to the US District Court in Philadelphia to file a complaint there that night to preserve the statute of limitations regarding attorney malpractice in her Maryland Insurance Administration case. She could not make it to this Court on December 16, 2019.

Ms. Coomes planned to drive to this Court on December 18, 2019, but it began snowing in the afternoon. The road conditions were dangerous due to high winds and snow squalls. Today is the first day Ms. Coomes could safely go to this Court and file this application after she revised it to add the extraordinary circumstances justifying approving the application filed within 10 days of the due date, along with the exhibits.

If this application is not granted, there will be a manifest injustice. The stakes are very high for Ms. Coomes. Her livelihood is on the line, as are two houses worth over \$8.9M in future rental income which are needed for her effective reorganization and her ability to survive financially, her ability to obtain her ongoing medical care, her ability to continue to have health insurance (both of which are needed to sustain her life), her sustenance, her ability to keep a roof over her head, and her ability to ever have meaningful employment again. If not overturned, the bad faith findings, contempt findings, and contempt sanctions will preclude professional licensure, jeopardize Ms. Coomes' personal injury case, and implicate Ms. Coomes' liberty. The bad faith findings, contempt findings, contempt sanctions, and Orders in this case, if not stayed and overturned, will have a preclusive effect on Ms. Coomes' other appeals. Ms. Coomes filed *lis pendens* prior to both foreclosures. The deeds are subject to the outcome of this case. If this application is not granted, the banks will be able to sell the houses to third parties if they prevail in state Court while Ms. Coomes' other appeals are pending, that aspect of the appeals will become equitably moot, and Ms. Coomes will be irreparably harmed.

Ms. Coomes cannot adequately represent her interests. She needs counsel to prepare a certiorari petition. Simply put, the denial of counsel in this case is extraordinary as are the unprecedented Orders and extraordinary amount of litigation. Had Ms. Coomes been afforded her right to counsel, she would not be in this position. She was entitled to Court

appointed/assigned counsel at all stages below, pursuant to the CJA, Virginia law, the 5th, 6th, and 14th amendments to the US Constitution, and binding US Supreme Court authority. This Court has held the 6th amendment right to counsel applies to criminal contempt proceedings. *United States v. Dixon*, 509 U.S. 688, 696, 113 S.Ct. 2849, 125 L.Ed.2d 556 (1993); *Cooke v. United States*, 267 U.S. 517, 537, 45 S.Ct. 390, 69 L.Ed. 767 (1925). *Turner v. Rogers*, 564 U.S. 431, 441, 131 S. Ct. 2507, 2516, 180 L. Ed. 2d 452 (2011). This case involves criminal contempt findings, criminal contempt sanctions, and criminal contempt proceedings. Ms. Coomes' personal liberty is implicated in this case because the District Court *sua sponte* found she committed criminal contempt and issued criminal contempt sanctions in the form of permanent filing Bar Orders applicable to her existing case. The right to counsel attached since contempt is punishable by loss of liberty, "a person found guilty of criminal contempt may be sentenced to a fixed and definite term of imprisonment, or be required to pay an unconditional fine." *United States v. Shipp*, 203 U.S. 563 (1906). Pursuant to 18 U.S.C. 401, a Court of the United States has authority to punish contempt by fine or imprisonment. 18 U.S.C. 401 does not specify the minimum or maximum fine or imprisonment. Pursuant to 18 U.S.C. 402, a Court of the United States has authority to punish contempt by fine and imprisonment up to six months. Virginia law punishes contempt of Court by up to one year of imprisonment. Since the contempt findings and sanctions are criminal, the District Court may revise the punishment, or refer for criminal prosecution, and contempt is punishable by jail, Ms. Coomes became indigent and cannot afford counsel, she was and remains entitled to the advice and assistance of independent appointed counsel of her choice at all stages of the appeal.

Even if construed as purely civil, this case requires appointment or assignment of counsel Due Process requires appointment of counsel in an unusually complex case where a defendant,

“can fairly be represented only by a trained advocate,” *Gagnon, supra*, at 788, 93 S.Ct. 1756. P. 2520. *Turner v. Rogers*, 564 U.S. 431, 131 S. Ct. 2507, 2511, 180 L. Ed. 2d 452 (2011). Due Process requires the appointment of counsel in this case, even if it were quasi-criminal or purely civil, because of the complexity of the case and unusualness of the case, it is a case of first impression, the Orders are unprecedented, Ms. Coomes has been treated harsher than other similarly situated litigants, and cannot adequately represent her own interests.

This case makes the case for civil *Gideon*. Counsel is required in this case, even if construed as purely civil. Appointment of counsel is expressly provided by the 5th, 6th, and 14th amendments because Ms. Coomes’ life, liberty, and property is at stake in this case. Argued in the alternative, appointment of counsel is reasonably implied by the 5th, 6th, and 14th amendments because Ms. Coomes life, liberty, and property is at stake in this case. Appointment of counsel is also required because of the nature of the proceedings involve substantial rights and constitutional privileges, the nature of the private interests affected, the lack of procedural safeguards, the risk of the erroneous deprivation without procedural safeguards, the case implicates Ms. Coomes’ liberty, constitutionally protected rights, including 1st amendment rights, Due Process rights, property rights, her livelihood, her essential needs, such as shelter, sustenance, medical care needed to sustain her life, her ability to continue to have health insurance and continue to pay out of pocket medical expenses, and her ability to make a living. Appointment of counsel is also in the public interest.

If this Court does not *sua sponte* appoint or assign counsel, Ms. Coomes shall file a motion praying for this Court to appoint or assign counsel to prepare her certiorari petition.

Judicial economy would be served by consolidating both cases and extending the time to file a writ of certiorari in this case by 60 days. There are common parties, common issues of law

and fact, and related Orders in cases 18-2421 and 19-1740. Consolidating the cases would allow Ms. Coomes to file one certiorari petition, conserving the scarce resources of Ms. Coomes for the benefit of Ms. Coomes, her creditors, and the Bankruptcy estate. Ms. Coomes will prepare and file a separate motion to consolidate in this Court.

Ms. Coomes prays for this relief as a reasonable accommodation pursuant to the ADA.

Her ADA protected disability, inc.

██████████. Her ADA protected disability precluded her from being able to prepare and file this application sooner than the deadline. Her ADA protected disability also has precluded her from preparing a certiorari petition by December 26, 2019. Ms. Coomes incorporates by reference as if fully set forth herein her affidavit and supporting documentation regarding her disability that is in the record of 4th Circuit case no. 19-1562. Among other things, Ms. Coomes suffers from ██████████

In addition to extraordinary health problems, Ms. Coomes has also been prejudiced by the extraordinary amount of piecemeal litigation she is contending with *pro se*, which has diverted and drained both her time and resources. Ms. Coomes cannot keep up and has been

severely prejudiced as a result. There is more work than one able bodied lawyer could handle. Ms. Coomes is not able bodied, nor is she a lawyer. She cannot adequately protect her interests. She requires an ADA reasonable accommodation to equally access the Court and ensure her 5th and 14th amendment Due Process rights are protected. She prays this application will be deemed timely filed and the time to file her petition for a writ of certiorari be extend by 60 days as a reasonable accommodation pursuant to the ADA. This Court is an entity covered by the ADA. Compliance with the ADA is mandatory, not discretionary. The reasonable accommodation is needed to ensure Ms. Coomes has equal access to the Court, as required by the ADA and constitutional Due Process.

The relief sought is reasonable. It is not an undue burden on the Court. It will benefit the Court, the petitioner, her creditors, and the Bankruptcy estate, as well as effectuate the intent and purpose of the ADA and the Bankruptcy code.

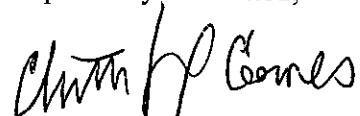
The relief sought herein is equitable. It will prevent manifest injustice. It will not prejudice the respondent, who prevailed below.

Ms. Coomes affirms the foregoing is true under penalty of perjury.

CONCLUSION

For the foregoing reasons, good cause, ADA protected disability, and extraordinary circumstances exist to justify suspending or waiving the Rules, deeming this application timely filed, and extending the time to file a Petition for a Writ of Certiorari in this matter sixty days.

Respectfully submitted,



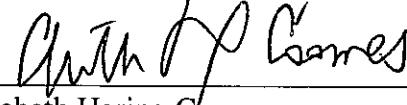
Elizabeth Haring Coomes
Petitioner
3234 Forest Lane, Unit #E-17
Schwenksville, PA 19473
Tel: 215-964-1755

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY under penalty of perjury under the laws of the United States of America that the following is true and correct: that on this 23rd day of December 2019 pursuant to Rule 29, I caused a copy of the foregoing paper Petitioner's Application to Extend Time to File a Petition for a Writ of Certiorari to be served, by first class mail, postage prepaid upon:

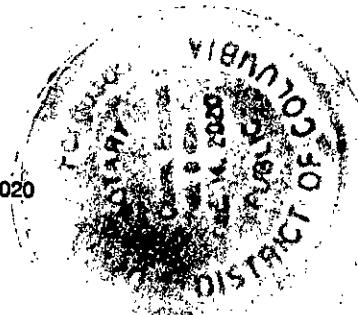
Marcelo Michel, Esq.
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Standing Chapter 13 Trustee
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Alexandria, VA 22314

Joseph Guzinski, Esq.
Assistant US Trustee
1725 Duke Street
Suite 650
Alexandria, VA 22314


Elizabeth Haring Coomes

District of Columbia: SS
Subscribed and Sworn to before me
this 23 day of December, 2019.

Notary Public, D.C.
My Commission Expires December 14, 2020



UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-2421

In re: **ELIZABETH H. COOMES**,

Debtor.

ELIZABETH H. COOMES, a/k/a Elizabeth Haring Coomes, d/b/a Old Town Insurance & Financial,

Debtor – Appellant,

v.

THOMAS P. GORMAN, Chapter 13 Trustee,

Trustee - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, Senior District Judge. (1:18-cv-01322-TSE-MSN)

Submitted: July 22, 2019

Decided: September 26, 2019

Before AGEE, DIAZ, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Elizabeth Haring Coomes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.



PER CURIAM:

Elizabeth H. Coomes appeals the district court's orders: (1) dismissing as interlocutory her appeal from the bankruptcy court's order denying her motion to continue the hearing on her motion for reconsideration, and (2) denying her motions for an extension of time, to alter or amend the judgment and for entry of default. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Coomes v. Gorman*, No. 1:18-cv-01322 (E.D. Va., Oct. 26, 2018; Nov. 8, 2018). In light of this disposition, we deny the Appellee's motion to dismiss or consolidate. We deny as moot Coomes' motion to deem her amended notice of appeal as timely filed. We also deny Coomes' emergency motions for an extension of time to file a response, to supplement the record and for appointment of counsel. We also deny Coomes' motion to dismiss a party. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

FILED: October 18, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2421
(1:18-cv-01322-TSE-MSN)
(17-13497-BFK)

In re: ELIZABETH H. COOMES

Debtor

ELIZABETH H. COOMES, a/k/a Elizabeth Haring Coomes, d/b/a Old Town
Insurance & Financial

Debtor - Appellant

v.

THOMAS P. GORMAN, Chapter 13 Trustee

Trustee - Appellee

O R D E R

Upon consideration of submissions relative to the motion for abeyance,
which is construed as a motion to suspend proceedings on appeal, the court denies
the motion.

Appellant's motion for leave to file an enlarged petition for panel rehearing

and rehearing en banc is denied.

The court defers consideration of appellant's motion to extend filing time for a petition for rehearing and rehearing en banc pending filing of the proposed petition on or before November 18, 2019.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

FILED: December 6, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2421
(1:18-cv-01322-TSE-MSN)
(17-13497-BFK)

In re: ELIZABETH H. COOMES

Debtor

ELIZABETH H. COOMES, a/k/a Elizabeth Haring Coomes, d/b/a Old Town Insurance & Financial

Debtor - Appellant

v.

THOMAS P. GORMAN, Chapter 13 Trustee

Trustee - Appellee

O R D E R

Upon consideration of submissions relative to appellant's motions to extend filing time for petition for rehearing, for stay pending appeal, to correct the case caption, and to compel, the court denies the motions.

For the Court

/s/ Patricia S. Connor, Clerk

WORK ORDER

Done Once Done Right!

Exhibit A

TO

Name - Liz Haring

Company name -

Street address -

City, State, Zip -

Phone number -

Email -

WORK ORDER DATE

12/16/19

Complex Name -

Spring Mount

DESCRIPTION OF WORK

TRAVEL TIME TIME IN TIME OUT HOURS

Removed and replaced the
rubber gasket on the over flow
for the tub *475.00*

MATERIALS

COST OF MATERIALS

PLEASE FILL OUT ALL INFORMATION ON THIS SHEET
Enter this order in accordance with the hours, address, and
specifications listed above.

Work performed by:

Date

12/16/19



Exhibit B

Borough of Schwenksville
Montgomery County
Pennsylvania

Temporary Access Permit

PERMIT NO: 2019-56

Permission is hereby given: Zoning District: GA
 Date: December 5, 2019
 Current Owner: Independence REO, LLC
 New Owner(s): Elizabeth Haring

To use **Parcel # 20-00-0006066-7** and permission granted for change of Owner (s)

At **3234 Forest Lane Schwenksville, PA 19473**

For Residential

Notes: Transfer Inspection - FAILED - Temporary Access allowed for repair only.

Temporary Access only allowed while substantial issues are corrected. Please see directly below for substantial issues.

Kitchen – The outlet farthest left of the sink is not GFCI protected. The outlet to the right of the sink is not functioning properly.

Balcony Guard – Opening on the sides exceed 4".

Temporary Occupancy will be allowed if the substantial issues above are corrected and confirmed with an Inspection. The items below are non-substantial issues and must be corrected and confirmed with an Inspection within 365 days from the date of transfer.

Sliding door in bedroom does not lock.

Walls in living room and bedroom at sliding glass doors are deteriorating, possibly due to a leak.
I hereby acknowledge the receipt of **Seventy-Five** Dollars (**75.00**) for each unit application fee & 1st Inspection being the permit fee as established. (Resolution 2019-03).

Sewer Lateral Inspection completed


Elizabeth Haring
Castle Valley Consultants, Inc.

Borough of Schwenksville
140 Main Street
Schwenksville, PA 19473

Phone: 610-287-7442

Fax: 610-287-8098