

IN THE SUPREME COURT OF THE UNITED STATES

SEAN M. DONAHUE

V.

ACOSTA ET. AL.

US COURT OF APPEALS FOR THE THIRD CIRCUIT
DOCKET NO. 17-CV-3841

US DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA DOCKET NO. 1:17-CV-1759

**REQUEST FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE US COURT OF
APPEALS FOR THE THIRD CIRCUIT**

TO THE HONORABLE JUSTICE ALITO:

The *pro se* Petitioner RESPECTFULLY REQUEST an extension of time of 60 days to March 17, 2020 to file a *Petition for a Writ of Certiorari* to the US COURT OF APPEALS FOR THE THIRD CIRCUIT.

The Appeal at 1:17-CV-3841 was denied by the Third Circuit on October 17, 2019. The deadline to file a *Petition for a Writ of Certiorari* is January 17, 2020.

On November 28, 2019, the Petitioner filed an APPELLANT PETITION FOR REHEARING.

On November 29, 2019, the Petitioner filed an ADDENDUM TO PETITION FOR REHEARING in which he provided a copy of the Third Circuit's October 17, 2019 Judgement.

On December 6, 2019, the Petitioner received an order from the Clerk of the Third Circuit instructing him to file a Motion to File Exhibits that he attached to his November 28, 2019 APPELLANT PETITION FOR REHEARING. The order was dated December 3, 2019

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but the Petitioner did not receive it until Friday evening, December 6, 2019.

On Saturday, December 7, 2019, the Petitioner completed his CORRECTION TO APPELLANT PETITION FOR REHEARING, which included the following:

1. An explanation that the Petitioner did not receive the Clerk's order make corrections until December 6, 2019 and that he would mail his corrections on December 9, 2019, as soon as the US Post Office opened in Hazleton, Pennsylvania.
2. A copy of both the October 17, 2019 Judgement and Opinion of the US Third Circuit in the underlying case.
3. MOTION TO FILE EXHIBITS TO PETITION FOR REHEARING.
4. REQUESTED DAMAGES TO BE PAID BY DEFENDANTS

On December 9, 2019, the Petitioner mailed his CORRECTION TO APPELLANT PETITION FOR REHEARING and a REQUEST for EXTENSION OF TIME TO FILE CORRECTION. The correction was

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due by December 10, 2019. Because the *pro se* Petitioner does not have access to PACER, there was no way for him to file his documents electronically.

Because the Petitioner has not yet heard back from the US Third Circuit, he now seeks an EXTENSION OF TIME to file a *Petition for a Writ of Certiorari* to the US Court of Appeals for the Third Circuit for the underlying case.

The Petitioner recently had three filings (two large filing) due in US District Court for the Middle District of PA on December 31, 2019. The Petitioner also had several other *pro se* briefs and many other *pro se* filings due in state appellate courts during November and December of 2020. The Petitioner could not miss those filings because doing so would have forfeited appellate rights. On January 8, 2019, the Petitioner filed a lengthy Petition for Allowance of Appeal deadline in the Supreme Court of Pennsylvania. In addition, the Petitioner has a reply brief due in the Superior Court of Pennsylvania within the coming days and must also reply *pro se* to state motions in an ongoing Pennsylvania State Civil Service Commission case and has also had to

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file a subpoena request in that case. All of these filings have required a lot of time.

The Dockets at which the Petitioner has (and/or has recently had) briefings and/or other filing deadlines include US Supreme Court Docket Nos. 19-6886, 19-5808, 19-6628, 19-6605, 19-6487, 19A491, 19A488, 19A764, 19A742; PA Supreme Court Docket 13 MT 2020; PA Superior Court at Docket Nos. 1179 MDA 2019, 364 MDA 2019¹, several other related Pennsylvania Superior Court Dockets; US District Court at Docket Nos. 3:14-cv-01351, 3:19-cv-1859 (Middle District of Pennsylvania); numerous *pro se* filings at PA Luzerne County Docket CP-40-CR-3501-2012; numerous *pro se* filings at PA Dauphin County Docket CP-22-CR-3716-2015; PA State Civil Service Commission Appeal 30142, 30145 and one other civil service case that has not yet been assigned a docket number. The Petitioner was also busy in October and November preparing for an interview with the state Board of Pardons.

¹ While counsel was appointed at 364 MDA 2019 and counsel stated on the court record that she would file a brief to which the Petitioner could then file his own brief in response, she instead maneuvered to get the appeal quashed as interlocutory and not yet ripe as a final matter. Appellant disagrees.

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The matters raised at US Third Circuit Docket No. 17-3841 are merit worthy matters of federal interest that include the following'

(1) Appellant Is Entitled to Federally Funded Job Placement

Services for Veterans: The Appellant is an Honorably Discharged veteran who is entitled to employment services. US Title 38 requires that Pennsylvania provide those services. (US P.L.107-288, Sec 3, Sec 5; 38 U.S.C. §4115; 38 U.S.C. §4112; US Title 38 Chapters 41 &42; 38 U.S.C. §4215)

(2) Defendant's Have "a plainly non-discretionary duty" (3rd Cir Opinion at 17-3841, p3) to Provide the Appellant With Meaningful Federal Job Placement Services for Veterans: On May 3, 2019, Pennsylvania aired a television commercial stating that everyone is entitled to CareerLink services. The Appellant is included in 'everyone'. It is the Appellant to whom the Commonwealth of Pennsylvania is communicating when it said "you", "your", &c.; Pennsylvania's commercial stated;

"00:00 let PA CareerLink help you achieve your
00:02 career goals whether you're looking for

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00:04 a job thinking about switching careers
00:06 are looking for new skills to get a
00:08 promotion PA CareerLink offers a variety
00:11 of in-person and online career resources
00:14 get the help you need for your
00:15 employment journey it's all in one place
00:17 and it's all free
00:19 let PA CareerLink help you discover
00:21 what's possible proud partner of the
00:23 American Job Center network
00:26 pay forward pennsylvania taxpayer
00:28 dollars”

This commercial aired several times after May 3, 2019 and Similar commercials appear online.

(3)Pennsylvania Policies State That The Appellant is Entitled to

Priority Job Placement Services:

PA STATE POLICY STATEMENT 1:

The PA state policy published on the internet at

<https://www.employment.pa.gov/veterans/Pages/default.aspx>

Includes the statement;

“Resources Connect with Veterans’ Employment Representatives at any of the statewide Pennsylvania CareerLink Offices to receive free job counseling, training referrals, and placement services. Eligible veterans are given priority in the referral to job openings and training opportunities, with disabled veterans receiving the highest priority.

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Staff at these offices will also provide you with information about unemployment compensation, job marts, and on-the-job and apprenticeship opportunities. ”

PA STATE POLICY 2:

The PA state policy published on the internet at

<https://www.dli.pa.gov/Individuals/CAREERS/Pages/default.aspx>

States the following:

“Services for Veterans By law, PA CareerLink® sites give priority to qualified veterans through administration of the Veterans Program.

The Veterans Program provides a full range of employment services to assist veterans in their search for work. Specially trained veteran employment representatives located in PA CareerLink® offices provide veterans with a full range of employment services, including referral services, job development, referral to training, and referral to government and community veteran service agencies. These representatives help veterans match their job skills to employer job openings and contact employers on behalf of the veteran for consideration in hiring.

The program places special emphasis on helping disabled veterans secure employment opportunities. Disabled Veterans Outreach Program (DVOP) Specialists are located at the Philadelphia and Pittsburgh Veterans Administration Regional Offices (VARO) to expedite the placement of veterans who have completed training under the VA Vocational Rehabilitation and Education Program.

Special attention is also given to those veterans who are leaving the military. The Transition Assistance Programs (TAP) located at Carlisle

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Barracks, is designed to assist these veterans with preparing to enter the labor market. TAP consists of workshops where attendees learn how to conduct job searches and prepare resumes and cover letters, and participate in mock interviews. Current labor market information is provided, as well as an evaluation of employability relative to the job market. Veterans' benefits are also covered.

For more information, visit PA CareerLink® online, or call (866) 858-2753 to find the location nearest you.

Pennsylvania Veterans Registry

The Pennsylvania Veterans Registry provides veterans with information about benefits, programs, and services that are available to them. The registry allows the Department of Military and Veterans Affairs to achieve a higher level of communication and outreach to veterans, their family members, and the people who work with them. Please take a moment to register at <https://register.dmvpa.gov/>.

- (4) Numerous other states have similar policies. These policies interpret federal funding requirements and states are required to have policies that are in keeping with federal funding priorities in order to receive funding.
- (5) Third Circuit Failed to Identify Any Statute That Allows State Courts to Sentence the Appellant to a Temporary or Permanent Loss of Veterans Benefits.

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(6) The Issue Is Not Heck Barred: A ruling in Appellant's Favor would not reverse the state level conviction or the officially recognized sentence of incarceration with immediate release. The state denial of federal veterans benefits was an extra and unauthorized illegal collateral punishment. *Heck Doctrine. (Heck v. Humphrey, 512 U.S. 477 (1994))*

(7) State Court Opines That Sentence is Complete: Even if denial of federally funded veterans benefits was within the authority and jurisdiction of the state court, the state court opines that the sentence is complete.

The Petitioner avers that circumstances like those that occurred in the underlying state criminal case at Luzerne County Pennsylvania Court of Common Pleas Docket No. CP-40-CR-3501-2012 are exactly the kinds of matters that the US Congress, in 1871, intended to allow citizens to attack on federal grounds in federal court.

What is more, even if this Court chooses not to reconsider both the constitutionality of the *Heck Doctrine* and the fact that the *Heck* itself is violative to 42 U.S.C. §1983, several issues raised in the underlying

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US District Court case at US District Court for the Middle District of Pennsylvania Docket No. 1:17-cv-1759 are unrelated to state criminal convictions. The core subject of the case is state and federal impediments to federally funded veterans employment assistance benefits.

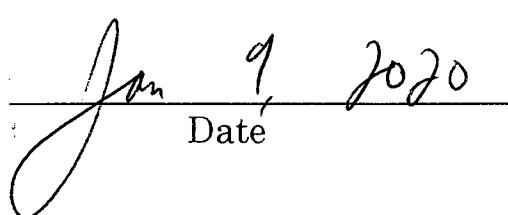
The PETITIONER RESPECTFULLY requests an extension of time to file a Petition for a Writ of Certiorari in the underlying matter.

The Petitioner RESPECTFULLY REQUESTS a *de novo* review of the instant case.

The PETITIONER RESPECTFULLY requests that he be allowed to participate in oral argument for the instant case.

The forgoing is true in both fact and belief and submitted under penalty of perjury.

Respectfully Submitted,



Date



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