

IN THE SUPREME COURT OF THE UNITED STATES

---

No. 19A \_\_\_\_\_

JOHN D. DOE, APPLICANT

v.

NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, et al

---

APPENDIX TO APPLICATION FOR AN EXTENSION OF TIME  
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

---

TABLE OF CONTENTS

November 20 Order from Court of Appeal Dismissing Appeal .....	A1
July 15 2019 Order from Court of Appeal, denying due process to ..... present points on appeal via opening brief	A2
Response Form Accompanying July 15 2019 Order .....	A4
Applicant's December 4 2019 Request to Extend Time to File for ..... Rehearing	A8
December 19 2019 Order from Court of Appeal, granting extension ..... Of time until January 13 2020	A10
Applicant's January 13 2020 Request to Extend Time to File for ..... Rehearing	A11
January 15 2020 Order from Court of Appeal, granting extension ..... Of time until February 14 2020	A15
Applicant's February 14 2020 Request to Extend Time to File for ..... Rehearing	A16

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 20 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN D. DOE,

Plaintiff-Appellant,

v.

NORTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT,  
AKA NOCCCD; et al.,

Defendants-Appellees.

No. 19-55539

D.C. No. 8:17-cv-01776-CJC-DFM  
Central District of California,  
Santa Ana

ORDER

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

The district court certified that this appeal is not taken in good faith and has denied appellant leave to proceed on appeal in forma pauperis. *See* 28 U.S.C. § 1915(a). On July 15, 2019 the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and responses to the court's July 15, 2019 order, we conclude this appeal is frivolous. We therefore deny appellant's motions to proceed in forma pauperis (Docket Entry Nos. 2 & 3) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

**DISMISSED.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 15 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN D. DOE,

Plaintiff-Appellant,

v.

NORTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT,  
AKA NOCCCD; et al.,

Defendants-Appellees.

No. 19-55539

D.C. No.

8:17-cv-01776-CJC-DFM

Central District of California,  
Santa Ana

ORDER

A review of the district court's docket reflects that the district court has certified that this appeal not taken in good faith and is frivolous and has denied appellant's motion for leave to proceed in forma pauperis on appeal. This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), or
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to

Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

If appellant files a statement that the appeal should go forward, appellees may file a response within 10 days after service of appellant's statement.

The briefing schedule for this appeal is stayed.

The Clerk shall serve on appellant: (1) a form motion to voluntarily dismiss the appeal, and (2) a form statement that the appeal should go forward. Appellant may use the enclosed forms for any motion to dismiss the appeal or statement that the appeal should go forward.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Joseph Williams  
Deputy Clerk  
Ninth Circuit Rule 27-7

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

\_\_\_\_\_ 9th Cir. Case No. \_\_\_\_\_  
Appellant(s),

v.

\_\_\_\_\_  
Appellee(s).

**MOTION TO VOLUNTARILY DISMISS APPEAL**

Pursuant to Federal Rule of Appellate Procedure 42(b), appellant(s)

\_\_\_\_\_ hereby move(s)  
the court for an order dismissing appeal No. \_\_\_\_\_ - \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Print Name(s)

\_\_\_\_\_  
Signature(s)

Appellant(s) in Pro Se

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

9th Cir. Case No. \_\_\_\_\_

\_\_\_\_\_  
Appellant(s),

v.

\_\_\_\_\_  
Appellee(s).

**STATEMENT THAT APPEAL SHOULD GO FORWARD**  
(attach additional sheets as necessary)

1. Date(s) of entry of judgment or order(s) you are challenging in this appeal:

\_\_\_\_\_

2. What claims did you raise to the court below?

3. What do you think the court below did wrong? (You may, but need not, refer to cases and statutes.)

4. Why are these errors serious enough that this appeal should go forward?

5. Additional Information:

Dated: \_\_\_\_\_

\_\_\_\_\_

Print Name(s)

\_\_\_\_\_

Signature(s)

Appellant(s) in Pro Se

1 John D. Doe  
2 4067 Hardwick St #184  
3 Lakewood, CA 90712  
4 (818) 330-3139  
5 Appellant in *Pro Se*

6  
7 UNITED STATES COURT OF APPEALS  
8 FOR THE NINTH CIRCUIT

9 JOHN D. DOE,

10 Plaintiff-Appellant,

11 v.

12  
13 NORTH ORANGE COUNTY  
14 COMMUNITY COLLEGE DISTRICT *et al*

15 Defendants-Appellees.

No: 19-55539

D.C. No.: 8:17-cv-01776-CJC-DFM  
Central District of California, Santa Ana

**APPELLANT’S REQUEST FOR  
EXTENSION OF TIME TO FILE  
PETITION FOR REHEARING**

Filed December 4, 2019

16  
17 Appellant John Doe respectfully requests an extension of time to file a properly  
18 completed petition for rehearing of a November 20 2019 Order by this Court, dismissing  
19 Appellant’s appeal as frivolous. Appellant is submitting a partially completed version of  
20 such a petition on his December 4 deadline. However, the 14 day period has simply not  
21 afforded Appellant enough time to finish crafting a proper full petition

22 Respectfully, the panel overlooked or misunderstood that at least one of John’s  
23 points on appeal is not frivolous under the standard in *Anders v. State of Cal.*, 87 S. Ct.  
24 1396, 1400 (1967) and *Neitzke v. Williams*, 109 S. Ct. 1827 (1989), because there is an  
25 arguable basis, on the merits of the facts and law, that the District Court committed  
26 reversible error when, on a Rule 12(c) motion, it dismissed with prejudice John’s Third  
27 cause of action, for violations of the Fourteenth Amendment pursuant to 42 U.S.C. §  
28 1983, without offering leave to amend.

1 An objective review of the record does not support the District Court's  
2 recharacterization of John's § 1983 claim as one based upon the Americans with  
3 Disabilities Act, or ensuing factual mischaracterizations asserted as grounds for  
4 dismissal: that the Complaint presented no constitutional violations to support a § 1983  
5 claim, and there was no evidence John's § 1983 claim could be saved by amendment.  
6 Because this Court reviews 12(c) dismissals *de novo*, it will reach examination of these  
7 factual mischaracterizations. Hence, since these legal and factual points are in fact  
8 "arguable on their merits," they are "therefore **not** frivolous." Accordingly, because at  
9 least this one point (amongst others) passes the *Anders* and *Neitzke* frivolity test, John's  
10 not-yet-written opening brief should not have been deemed frivolous under § 1915(e)(2),  
11 and this Court's November 20 2019 Order dismissing his appeal such should be reversed.

12 The issue of whether these points will ultimately succeed on the merits clearly lies  
13 explicitly beyond the scope of the accepted frivolity test in *Anders* and *Neitzke*, and  
14 therefore should not be considered in a 28 U.S.C. § 1915(e)(2) screen.

15 Appellant simply needs more than 14 days to finish crafting a proper full petition  
16 for rehearing, containing a clear and concise explanation of all his proposed points on  
17 appeal and legal arguments. Appellant suffers from a mental disability that slows the pace  
18 at which he can produce legal filings, and because this Court's order did not list any  
19 reasons for its ruling, Appellant has been left to speculate as to which points of law or  
20 fact the panel overlooked or misunderstood. His partially completed presentation is  
21 somewhat rambling. Finally, Appellant believes that the procedures employed by this  
22 court raise serious questions of national importance, and he simply needs more time than  
23 14 days to complete a brief addressing all of them, and requesting en banc review.

24 For the above reasons, Appellant respectfully requests an extension of time to file a  
25 petition for rehearing of the November 20, 2019 Order by this Court.

26  
27 Dated December 4 2019

/s/ John Doe  
Appellant in *Pro Se*

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 19 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN D. DOE,

Plaintiff-Appellant,

v.

NORTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT,  
AKA NOCCCD; et al.,

Defendants-Appellees.

No. 19-55539

D.C. No. 8:17-cv-01776-CJC-DFM  
Central District of California,  
Santa Ana

ORDER

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

Doe's motion for an extension of time (Docket Entry No. 16) is granted.

Any motion for reconsideration is due on January 13, 2020.

1 John D. Doe  
2 4067 Hardwick St #184  
3 Lakewood, CA 90712  
4 (818) 330-3139  
5 Appellant in *Pro Se*

6  
7 UNITED STATES COURT OF APPEALS  
8 FOR THE NINTH CIRCUIT

9 JOHN D. DOE,

10  
11 Plaintiff-Appellant,

12 v.

13 NORTH ORANGE COUNTY  
14 COMMUNITY COLLEGE DISTRICT *et al*

15 Defendants-Appellees.

No: 19-55539

D.C. No.: 8:17-cv-01776-CJC-DFM

Central District of California, Santa Ana

**APPELLANT'S MOTION FOR  
SECOND EXTENSION OF TIME TO  
FILE MOTION FOR  
RECONSIDERATION**

Filed January 13, 2020

17 Appellant John Doe respectfully requests a second extension of time to file a  
18 motion for reconsideration of this Court's November 20, 2019 Order (Docket Entry No.  
19 14). Appellant had prepared a motion for reconsideration with arguments based on facts  
20 as he understood them up until 48 hours ago. However, just within the last 48 hours,  
21 serious and critical new facts, not previously available, known to or discoverable by the  
22 Appellant (despite his diligent and frankly obsessive investigation of issues surrounding  
23 them), which bear directly on the merits of a key foundation of his legal argument for  
24 reconsideration, have unexpectedly been brought to the Appellant's attention. These new  
25 facts are simultaneously voluminous, complex and alarming, but it seems clear they both  
26 support reversal of the November 20, 2019 Order, and mandate critical alterations to the  
27 Appellant's current legal arguments in support of that outcome. It is impossible for  
28 Appellant to simply make a few minor changes to his existing arguments; rather, these

1 serious new facts plainly require additional time to first finish investigating, analyzing  
2 and simplifying them, and then to make necessary amendments to a critical, core  
3 foundation of Appellant's argument.

4 The facts and arguments contained in the Appellant's sole previous December 4,  
5 2019 Request For Extension Of Time To File Petition For Rehearing (Docket Entry No.  
6 15-1), as well as the prospective legal arguments in the unfinished draft of his Motion For  
7 Panel Rehearing And Rehearing In Banc that accompanied that Request (Docket Entry  
8 No. 15-2), remained substantially intact, and have not been compromised by the new  
9 facts in question. Rather, they have been substantially strengthened.

10 The Appellant understands motions for reconsideration from *pro se*'s dismissed as  
11 frivolous are both extremely common and unwelcome in this Court, and the Appellant's  
12 can be disposed of just as easily, should it ultimately prove as unmeritorious as all the  
13 rest. However, Appellant respectfully believes his motion for reconsideration will be  
14 different. Appellant has formed an initial interpretation of the new facts in question, but  
15 in view of their implications, does not wish to express that interpretation on the record  
16 without further analysis. However, it now appears likely this Court's November 20, 2019  
17 Order, dismissing this case as frivolous, will follow a similar procedural path as one from  
18 an earlier *pro se* Americans with Disabilities Act case Senior Circuit Judge Canby<sup>1</sup> may  
19 recall, *James Shirley v. Univ. of Idaho et al.*, 800 F.3d 1193 (9<sup>th</sup> Cir 2014). In *Shirley*, the  
20 appeal was summarily (and firmly) dismissed as frivolous by Canby and Circuit Judge  
21 Jacqueline Nugyen, before being suddenly summarily reversed and remanded (with  
22 Canby concurring), after Appellant Shirley filed a meritorious motion for reconsideration.

23 Given that this case has already been similarly deemed frivolous and dismissed,  
24 there is little risk of prejudice or undue burden to any party (or this Court) in permitting  
25 Appellant to have additional time to properly modify and finish preparing his motion for  
26 reconsideration. If that motion is ultimately deemed without merit, it can be easily

---

27  
28 <sup>1</sup> Appellant respectfully mentions Senior Circuit Judge Canby only because he was the lead listed member of the panel that issued the November 20 2019 Order in question.

1 disposed of. Conversely, given that these new facts appear to clearly support  
2 reconsidering the order of dismissal, Appellant would suffer significant prejudice, were  
3 he not given additional time to complete his investigation and analysis of them, and then  
4 alter his argument accordingly. Judicial economy would also suffer. If the Appellant's  
5 motion for reconsideration ends up indeed being as meritorious as that in the *Shirley* case,  
6 then judicial economy would be best served by granting an extension of time, as this will  
7 give this Court an opportunity to resolve the question of reconsideration, in a manner that  
8 consumes the least amount of judicial resources.

9 As a final factor in favor of granting a second extension of time, this Court should  
10 consider the limitations of the Appellant's particular mental disability, Obsessive  
11 Compulsive Personality Disorder ("OCPD"), and the Fifth Amendment Due Process and  
12 right of access to the courts implications of completely ignoring (or refusing to consider)  
13 how the realities of those limitations adversely impact his ability to prepare legal filings  
14 in the same time frames as normally-abled litigants. These principles would certainly be  
15 implicated if this Court were to refuse to accommodate the inability of a blind person to  
16 see, or a deaf person to hear, and Appellant respectfully suggests there is no viable legal  
17 reason why these same principles should be any less relevant to accommodating the  
18 limitations of a litigant whose disability happens to be non-observable in nature.

19 As has already been explained at various points in the District Court record, the  
20 defining characteristic of OCPD is an obsession with perfection and detail, driven by  
21 anxiety or fear of the consequences of failure to complete a task "correctly." The higher  
22 the perceived likelihood or consequences of failure, the worse these symptoms become.  
23 (and here, the perceived likelihood and consequences are both extraordinarily high).

24 The OCPD symptomology relevant here is difficulty in starting or completing tasks,  
25 until a realistic plan to produce a "perfect" result has been formulated, i.e. both the  
26 necessary method, means and opportunity and time are clearly known and available.  
27 Specifically, Appellant's OCPD often leaves him unable to begin writing (or complete)  
28 filings, until he can perceive a complete pathway to a finished result that is, in his

1 opinion, “perfect.” This is why the Appellant’s OCPD was one factor in his original need  
2 for additional time to prepare a motion for reconsideration, based upon what he thought  
3 the facts were up until 48 hours ago. (*see* Docket Entry 15-2, pg. 2 ¶ 1). However, in  
4 view of the newly revealed facts that have suddenly emerged, Appellant now needs  
5 additional time to properly analyze the large volume of these facts (which are complex),  
6 and then reformulate the foundation of his arguments based upon them. If Appellant is  
7 not given the additional time he needs, his OCPD will likely perceive there is not enough  
8 time to successfully complete this task “correctly,” which will in turn likely result in him  
9 being unable to start the task, since he will be unable to finish it “correctly.”

10  
11 For all the foregoing reasons, Appellant respectfully requests an extension of time  
12 to file his motion for reconsideration of this Court’s November 20, 2019 Order.

13  
14 Dated January 13 2020

/s/ John Doe  
Appellant in *Pro Se*

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JAN 15 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN D. DOE,

Plaintiff-Appellant,

v.

NORTH ORANGE COUNTY  
COMMUNITY COLLEGE DISTRICT,  
AKA NOCCCD; et al.,

Defendants-Appellees.

No. 19-55539

D.C. No. 8:17-cv-01776-CJC-DFM  
Central District of California,  
Santa Ana

ORDER

Before: CANBY, TASHIMA, and CHRISTEN, Circuit Judges.

Doe's motion for a second extension of time (Docket Entry No. 19) is granted. Any motion for reconsideration is due on February 14, 2020.

1 John D. Doe  
2 4067 Hardwick St #184  
3 Lakewood, CA 90712  
4 (818) 330-3139  
5 Appellant in *Pro Se*

6  
7 UNITED STATES COURT OF APPEALS  
8 FOR THE NINTH CIRCUIT

9 JOHN D. DOE,

10 Plaintiff-Appellant,

11 v.

12  
13 NORTH ORANGE COUNTY  
14 COMMUNITY COLLEGE DISTRICT *et al*

15 Defendants-Appellees.

No: 19-55539

D.C. No.: 8:17-cv-01776-CJC-DFM

Central District of California, Santa Ana

16  
17 **APPELLANT'S MOTION FOR THIRD**  
18 **EXTENSION OF TIME TO FILE**  
19 **MOTION FOR RECONSIDERATION**

20 Filed February 14, 2020

21 Appellant John Doe respectfully requests a third extension of time to file a motion  
22 for reconsideration of this Court's November 20, 2019 Order (Docket Entry No. 14), to  
23 permit time required to complete an analysis of new facts. Appellant understands this  
24 request is unusual and likely unwelcome, but cannot overemphasize the importance (and  
25 judicial economy) of needing to ensure his understanding of these facts is correct and  
26 complete, before filing statements and accusations based upon them in a public record.

27 On January 13 2020, Appellant requested a second extension because he had just  
28 learned of these voluminous, complex and alarming new facts, bearing directly on the  
merits of reconsideration, and needed additional time to both analyze them and amend his  
argument (Docket Entry No. 19, 1:20 - 25). Appellant explained he had formed an initial  
interpretation of these new facts, but in view of their implications, did not wish to express  
that interpretation on the record until he had performed further analysis (*Id.* 2:14 – 16).

Appellant has since run numerous analyses of these new facts. The summaries of

1 these analyses, which have only become possible to fully compile this week, have not  
2 only confirmed Appellant's initial interpretations, and that reconsideration is both  
3 warranted and necessary in this case, but also uncovered seemingly irrefutable, clear  
4 evidence that the issues at hand are in fact far more disturbing than the Appellant's initial  
5 assessment had surmised. These issues are, in fact, extremely grave, and carry profound,  
6 extraordinarily serious implications, the importance of which cannot be overstated.

7 The scope of the issues made understandable this week by summary of these  
8 analyses has uncovered several new and serious remaining unanswered questions, which  
9 will clearly bear directly on the merits of the Appellant's argument for reconsideration. It  
10 would be *grotesquely* irresponsible for Appellant to make statements and accusations in a  
11 public filing based upon his current understandings, before first getting answers to these  
12 remaining, newly revealed unanswered questions. However unlikely, **it remains possible**  
13 **the answers to these new questions might be exculpatory**, thus making it possible to  
14 avoid significant waste of judicial resources on what might somehow be a non-issue.

15 To complete the analysis of these new facts, and answer these new and important  
16 questions and mysteries his analyses have uncovered, the Appellant requires additional  
17 time to involve third parties to assist him in the remaining analytical tasks. Appellant has  
18 identified the parties he wishes to involve, and the process of securely reaching out to  
19 them is underway. Appellant does not think the remaining fact analysis should take long,  
20 but in caveat, advises he has no expertise in performing the sort of fact analysis required.

21 Appellant therefore respectfully requests an additional and third extension of time  
22 to file his motion for reconsideration. Appellant understands that such an extension is  
23 both highly unusual, and likely unwelcome, under the circumstances of an appeal such as  
24 this. However, given that this appeal has already been dismissed, there is **little risk of**  
25 **prejudice or undue burden to Appellees or this Court** in permitting the time required  
26 for Appellant to finish his analysis, and make necessary amendments to his motion for  
27 reconsideration. If this Court deems that motion without merit, it can be easily disposed  
28 of. But given these new facts support reversal, **Appellant would suffer significant**

1 **prejudice** were he denied the time required to complete his investigation and analysis,  
2 and alter his argument accordingly. **Judicial economy would also suffer** if the Appellant  
3 were to make a public court record filing containing statements and accusations based  
4 only upon what he currently knows, before first getting [potentially exculpatory] answers  
5 to these newly-revealed questions, which might avoid waste of judicial resources over a  
6 non-issue. Conversely, if this Court agrees Appellant's motion for reconsideration is  
7 meritorious, then judicial economy would still be best served by granting an additional  
8 extension of time, as this will give this Court an opportunity to resolve the question of  
9 reconsideration in a manner that consumes the least amount of judicial resources.

10 Appellant again respectfully reemphasizes these new facts are extremely grave, and  
11 have profoundly serious implications. As he has previously stated, these facts are both  
12 voluminous and complex, support reversal of the November 20, 2019 Order, and mandate  
13 critical alterations to the Appellant's current legal arguments in support of that outcome.  
14 It is impossible for Appellant to simply make a few minor changes; rather, these serious  
15 new facts plainly require wholesale amendments to critical, core foundations of the  
16 Appellant's argument. However, the facts and arguments contained in the Appellant's  
17 previous December 4, 2019 Request For Extension Of Time To File Petition For  
18 Rehearing (Docket Entry No. 15-1), as well as the prospective legal arguments in the  
19 unfinished draft of his Motion For Panel Rehearing And Rehearing In Banc that  
20 accompanied that Request (Docket Entry No. 15-2), have not been compromised by the  
21 new facts in question. Rather, they have been strengthened and expanded.

22 For all the foregoing reasons, Appellant respectfully requests a third extension of  
23 time to file his motion for reconsideration of this Court's November 20, 2019 Order.

24 Finally, Appellant advises this Court and the Appellees he will also be submitting a  
25 request to the Supreme Court, to extend his current February 18 2020 deadline to file for  
26 a Writ of Certiorari.

27 Dated February 14 2020

/s/ John Doe  
Appellant in *Pro Se*