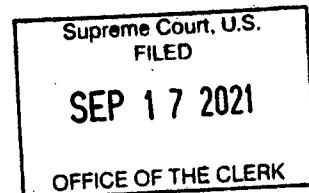


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IN THE SUPREME COURT OF THE UNITED STATES

RAUL MENDEZ,

Petitioner,

Vs.

City of Boise, et al.

Respondents.

Supreme Court No.
9th Circuit No. 20-35474
District Court No. 1:20-cv-00061-BLW

**MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF
CERTIORARI**

Pro Se Petitioner Raul Mendez, Respectfully requests a three month extension to file a Petition for Writ of Certiorari. This request is made in good faith and is supported by the facts and attached exhibits in support of it. The Order denying rehearing was filed on August 2, 2021 and the 90 day deadline to file the petition on 11/1/2021. Mendez requests a 90 day extension from 11/1/2021 but he will diligently work to file the petition before then.

ARGUMENT

Mendez will be filing two separate Petitions for Writ of Certiorari for two different cases and therefore the reason he needs more time to prepare the petition for both. Mendez home in Boise

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is currently vacated because he spends the majority of his time at his mother's house. She is disabled and he is her caregiver. Mendez does NOT use trash and sewer service because his home is vacated. The Idaho Legislature has passed laws that allow local Counties and Municipalities to mandate utilities such as trash and sewer services. Mendez questions the constitutionality of both the Idaho Code and the local Ordinances mandating utility services when at the same time people in Idaho can discontinue other utility services provided by private companies. The mandating of services is questionable, but more problematic is the fact that local government entities can certify non-paid services to the property tax roll. However, the plain language of the Idaho Laws makes it clear that local government entities cannot certify unused service to the property tax roll or engage in other collection efforts for unused services. The City of Boise has sued Mendez in small claims to collect a debt for unused sewer service, continue to send collections letters for unused sewer service, and has filed a fraudulent lien without any document attached to it because there is no certification from the Magistrate Court.....all of these despite the fact that Mendez has spent over two years telling Boise that his home is vacated. Furthermore, Mendez completed the "residential request for vacancy status application" which does not indicate that people are still required to pay a 'base fee' for unused service. Boise indicated to Mendez that they hold hearings to disconnect sewer for unpaid services and that he could also request with the Mayor/city Council to waive the 'base fee' on unused service, but both offices did not respond to Mendez. Mendez filed a complaint which District Judge Winmill dismissed for failure to 'state a claim' and without an opportunity to amend. Judge Winmill is also the same court dismissing the other pro se complaint for unused trash service filed by Mendez. Both cases were dismissed without an opportunity to amend the complaint even though the Supreme Court has instructed federal courts to liberally construe pro

se complaints and complaints alleging municipal liability under USC 1983 cannot be subjected to a heightened pleading standard.

Mendez understood that people have a right to appeal, but he also found out that the 9th Circuit is closing the doors of the courts to unrepresented parties like Mendez as illustrated by the list of "Unpublished Opinions" made up by a significant portion of pro se parties. Furthermore, it appears that many affirmed unpublished opinions of pro se parties are made up of cases dismissed in District Court for failure to state a claim.....and then many people in need are being denied access to justice even when the Supreme Court history shows that people should be protected in their enjoyment of their personal and civil rights and access to the courts is necessary for protection of such rights, for the prevention and redress of wrongs. Mendez appealed to the 9th Circuit after Judge Winmill dismissed both pro se complaints where the central issue is that Mendez is being subjected to adverse actions for not using utilities provided by local government entities. Case No. 20-35474 was dismissed in district court back in May 4, 2020 and Case No. 20-35917 was dismissed in district court back in September 21, 2020. Was the same panel assigned to both cases separated by a five month gap? It is Mendez belief that there are irregularities and improprieties in the handling of both appeals by the 9th Circuit and as such only the Supreme Court can reverse or vacate the decisions. Mendez understands that under Rules, he can file a Motion for New Trial when irregularities are present during those proceedings, but Mendez only avenue to remedy the panel's decision on appeal is to file a Petition for Rehearing En Banc which he did.

Mendez understanding of the 9th Circuit "court structure and procedures" attached to the Federal Appellate Rules is that two separate panels would have been assigned to both of Mendez cases.

Exhibit 1, 6 pages. However, on the exact same date of April 23, 2021; it appears that the same

panel issued a near identical unpublished opinion for both cases. The unpublished opinions are near identical to the other ones involving pro se parties consisting of 2-3 pages without any reference to specific facts or the record. **Exhibit 2, 7 pages.** Furthermore, how is it possible that the same panel issued an unpublished opinion on the same date? Mendez is not aware that both cases were 'consolidated.' Mendez petitioned for Rehearing En Banc. **Exhibit 3, 18 pages.**

Again, the same panel indicated on the same date of August 2, 2021 that the 9th circuit denied rehearing en banc for both cases and that no further filings would be accepted even though the rules do allow for a Motion to Stay the Mandate **Exhibit 4, 2 pages.** Mendez filed to stay the Mandate on August 9, 2021. **Exhibit 5, 6 pages.** The 9th Circuit issued the Mandate on one case the next day on August 10, 2021 and on the same day also denied the Motion to Stay Mandate in the other case....and on August 13, 2021, the panel denied the Motion after the Mandate had already being issued. **Exhibit 6, 3 pages.**

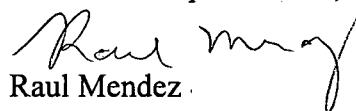
Mendez believes that under the continued wrong doctrine that he would not be barred from bringing the same claims against the local government entities, since Ada County has already certified the unused trash service to the property tax roll on August 30, 2021 without the opportunity to waive the fee and without Due Process. It has already been established that the County has a waiver and that such hearing takes place with the Commissioners but the County continues to deny it to Mendez. Boise has also indicated they would send Mendez to collections including another small claims to collect on unused sewer. **Exhibit 7, 2 pages.** Therefore, Mendez believes that the factors described in the body of this Motion are persuasive for the Supreme Court to hear them, because they involve important social issues in which local government entities: 1) are taking adverse actions against people without Due process for failing

to pay unused services, 2) are mandating services , and 3) there is a waiver for things like vacancy, but when requested is denied to some people without the ability to provide evidence that service is not being used....and clearly the local government entities are also making sure that people like Mendez will also not be able to prove in court that he is not using the services It is of particular importance for the Supreme Court consideration the fact that the federal courts at the District and Circuit level are denying access to justice to minorities, indigent and unrepresented parties in cases involving Civil and Constitutional rights as both of Mendez cases illustrate. While the primary concern of the Supreme Court is not to correct errors, the blatant disregard of Supreme court precedents and irregularities on both of Mendez cases, including the questionable issuing of a near identical unpublished opinion on the same date by the same 9th circuit panel suggests that the Supreme Court should give consideration to hearing Mendez cases to correct those errors or simply overrule the cases without comment.

CONCLUSION

Mendez is aware that Supreme Court review is discretionary and a very small number of cases are hear by it. However, the evidence submitted on Mendez exhibits proves that access to both the District Court and Circuit have become discretionary for pro se parties with many of their civil rights/constitutional claims ending up being dismissed for failing to state a claim, only to later get unpublished opinions under questionable circumstances at the circuit. Mendez needs additional time to prepare Petitions for Writ of Certiorari on the two cases described above noting that he has to cite authorities, therefore more research and preparation are necessary, therefore, Mendez respectfully requests an extension to file the Petition be **GRANTED**.

DATED: September 17, 2021


Raul Mendez