

DECLARED 9/22/21

Raul Mendez
2712 N Goldeneye Way
Meridian, Idaho 83646
Telephone: (208) 871-7237
raulmendez02@yahoo.com
Pro Se

IN THE SUPREME COURT OF THE UNITED STATES

RAUL MENDEZ,

Petitioner,

Supreme Court No.
9th Circuit No. 20-35917
District Court No. 1:19-cv-00301-BLW

Vs.

ADA COUNTY, et al.

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

Respondents.

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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could not prove he is not using trash service because District Judge Winmill failed to liberally construe Mendez Pro se filing raising questions of Civil and Constitutional rights. Judge Winmill is also the same court dismissing the other pro se complaint for unused sewer 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 an opportunity to amend civil rights claims must be granted. The county acknowledge that Mendez told the county several times over the course of months that he was not using the service and in return he was told that the service could not be discontinued on an occupied residence. Mendez raised a civil RICO claim which the District Court incorrectly dismissed because Judge Winmill states that Mendez failed to show that Respondents committed 2 of the 35 RICO crimes. None of the cases cited by Mendez show that proving a crime is an essential element of a civil RICO case. The District Court also dismissed Mendez Equal Protection claim because he failed to show that people of other races received a waiver. In other words, Judge Winmill states that Race motive is an essential component to prove a violation of the Equal Protection Clause. The District Court also dismissed Mendez Due Process claim because it does not apply to Legislative acts and the County does not have to provide a hearing prior to certification to the property tax roll. **Exhibit 2, 4 pages.**

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

he is not required to go in great detail to prove facts? 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 5, 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 6, 2 pages.** Mendez filed to stay the Mandate on August 9, 2021. **Exhibit 7, 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 8, 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 9, 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