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CIVIL CASE

21-

Supreme Court, U.S.  
FILED

OCT 25 2021

OFFICE OF THE CLERK

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Michel Thomas

v.

Stafflink, Inc., et al

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Application for an Extension of Time Within Which  
to File a Petition for a Writ of Certiorari

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APPLICATION TO THE HONORABLE JUSTICE  
SAMUEL ALITO AS CIRCUIT JUSTICE

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10/25/2021

Pro Se Applicant/ Petitioner

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OCT 29 2021

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SUPREME COURT, U.S.

## **APPLICATION FOR AN EXTENSION OF TIME**

Pursuant to Rule 13.5 of this Court, Applicant, Michel Thomas is filing this application for extension of time of 60 days, within to file his petition of writ of certiorari up to and including Monday, January 10<sup>th</sup>, 2022.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is being sought is from the United States Court of Appeals Fifth Circuit, no.21-20066, date entered August 13<sup>th</sup>, 2021, see attachment#1

The motion for panel rehearing was denied, it was ruled Applicant's motion for rehearing was untimely, see attachment #2, and Applicant totally disagree with that.

Applicant then filed a motion to reconsider by making a good cause showing, but to no avail the United States Court of Appeals 5<sup>th</sup> Circuit decided it was not going to take any action on that motion to reconsider, see attachment # 3.

## **JURISDICTION**

This Court will have jurisdiction over a timely filed petition for writ of certiorari under 28 USC 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this court a petition for writ of certiorari was due to be filed on or before November 11<sup>th</sup>, 2021, due to the United States Court of Appeals rulings Applicant's motion for panel rehearing was untimely. In accordance with Rule 13.5, the application is being filed within 10 days before the petition for writ of certiorari is due.

## **REASONS JUSTIFYING AN EXTENSION OF TIME**

1. There was a hurricane (Hurricane Ida) that hit New Orleans, Louisiana, where the United

States Court of Appeals Fifth Circuit is located, and this resulted in the court closing from August 30<sup>th</sup>, 2021 through September 6<sup>th</sup>, 2021, and reopened on September 7<sup>th</sup>, 2021. During this time the United States Court of Appeals issued two orders, General Docket No. 2021-7 and General Docket No. 2021-8, (see attachment #4), extending the time to file pleadings that was due between the dates of August 30<sup>th</sup> through September 2<sup>nd</sup>, 2021, for a totally of 14 days (7 days each on each General Docket).

Applicant's motion for panel rehearing was due within that period, even though the order was entered August 13<sup>th</sup>, 2021, it was not actually mailed out until August 16<sup>th</sup>, 2021, see attachment #5. Because it was mailed out to Applicant, I also had 3 additional days under the Appellate Rule of Civil Procedure 26(a) and 26(c). Attachment#5 and #6 were filed with the United States Court of Appeals Fifth Circuit to make a good cause showing and to show that Applicant's motion for panel rehearing was timely filed in accordance with orders General Docket 2021-7 and General Docket 2021-8.

Therefore Applicant's motion for panel rehearing was actually due within that time window of August 30<sup>th</sup> through September 2<sup>nd</sup>, 2021, August 30<sup>th</sup>, 2021 from the start date Applicant was served the Judgment to September 2<sup>nd</sup>, 2021 once the three days are added due to the judgment being mailed to applicant. With the 14 day extension ordered by the Fifth Circuit, Applicant's motion for panel rehearing was due on September 13<sup>th</sup>, 2021 without the additional three days and September 16<sup>th</sup>, 2021 once the three days are added under Appellate Rules 26(a) and 26(c). Applicant's motion for panel rehearing was received by the Fifth Circuit on September 9<sup>th</sup>, 2021, ( see attachment #6),two days after the Fifth Circuit had opened back up from the damage of Hurricane Ida.

This took nearly 2 months from Applicant, in him having time to research and properly prepare

a petition for writ of certiorari. If Applicant motion for panel rehearing is ruled to be timely the due date is changed by nearly 60 days.

But for Hurricane Ida this situation does not occur and Applicant's motion for panel rehearing can not be ruled to be untimely, because Applicant put the motion in the mail on Saturday, August 28<sup>th</sup>, 2021, express overnight mail, and was scheduled to be delivered on August 30<sup>th</sup>, 2021, (see attachment #6), within 14 days, without the need for the additional three days allotted under Appellate Civil Rule 26(a) and 26(c). Hurricane Ida was out of Applicant's control, as was the closing of the United States Court of Appeals Fifth Circuit, but Applicant did everything in his power to have the motion for panel rehearing in the clerk's office within 14 days, and should not have been harmed by Hurricane Ida, in the sense that it resulted in Applicant's motion for panel rehearing not being delivered to the clerk's office on August 30<sup>th</sup>, 2021, because the clerk's office was closed.

2. There is a related case, 20-20505, (see attachment #7) that Applicant will be also filing a petition for writ of certiorari on this judgment entered in by the United States Court of Appeals Fifth Circuit, based on the exact same facts and Applicant will be arguing nearly identical errors in this case as well.

Due to Applicant becoming ill Applicant was not able to file a motion for a panel rehearing on that case so the due date for the petition for writ of certiorari is January 5<sup>th</sup>, 2021.

Applicant is asking this Court to grant the motion for extension of time of 60 days because this will reduce cost for Applicant, in not having to pay for postage twice, when both cases can be mailed together at the same time. Applicant will be filing a motion for extension of time of 5 days for the

related case, no.20-20505 to make both petition for writ of certiorari due on or before January 10<sup>th</sup>, 2022.

This also helps in this Court's efficiency, where it can hear both cases, if it chooses to do so, at the same time, and not take up double of this Court's time, to deal with nearly identical issues from related cases.

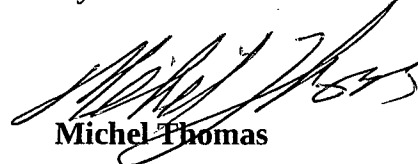
3. Applicant became ill around the time Applicant got the Fifth Circuit rulings on October 7<sup>th</sup>, 2021 of the related cases judgment on October 5<sup>th</sup>, 2021 of this case, denying Applicant motion for reconsideration and motion for good cause showing in support of motion for reconsideration.

Applicant is nearly fully recovered, but have been ill for nearly two weeks and unable to research and prepare the petition for writ of certiorari.

4. Applicant needs to search out professional assistant in helping Applicant with his petition(s) for writ of certiorari and for all the reasons stated above Applicant has not had the time to do so, therefore Applicant is also asking this Court for a 60 day extension so Applicant can search out professional assistant for his petition(s) for writ of certiorari.

### CONCLUSION

For all the reasons stated above Applicant asks this court for a 60 day extension of time to file his petition for writ of certiorari on or before January 10<sup>th</sup>, 2022.



Michel Thomas

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