

Supreme Court, U.S.
FILED

JAN 19 2022

OFFICE OF THE CLERK

EXTENSION FOR TIME REQUEST FOR
A PETITION FOR WRIT OF CERTIORARI

NO. _____

In The Supreme Court of The United States

Alexis Fincher,

Applicant/Petitioner,

v.

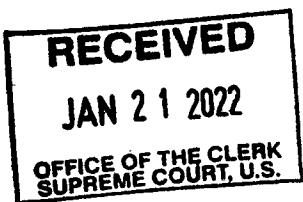
Indiana Department of Child Services,

Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF INDIANA

To the Honorable Amy Coney Barrett Circuit Justice

Alexis Fincher, Pro Se
Petitioner
4714 Winter Street
Fort Wayne, IN 46806
(260) 745-0034



APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Alexis Fincher hereby requests a 60-day extension of time to file petition for a writ of certiorari up to and including March 20, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The Supreme Court of the State of Indiana denied discretionary review of Applicant's petition to transfer (Exhibit 1) on October 21, 2021 (Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before January 19, 2022. According to Rule 13.5, this application is not being filed more than 10 days in advance of the filing date for a writ of certiorari due to the extraordinary circumstances of (1) not knowing the timeframe in advance to request time extension and (2) finding out of such timeframe after the timeframe commenced to successfully and timely file an application for extension of time.

REASONS FOR JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time to file a petition for a writ of certiorari seeking review of order denying discretionary review of the Supreme Court of the State of Indiana in this case, up to and including March 20, 2022.

1. Due to the recent and ongoing public health and safety concerns relating to COVID-19 global pandemic.

2. The extension of time request for 60 days is equal to the 150-day timeframe afforded to litigants on March 19, 2020 in the Supreme Court Order (ORDER LIST: 589 U.S.) when there was only one COVID-19 strain. Since this order two variants surfaced, Delta and Omicron, as both continue to accelerate the virus with now Omicron as the dominant variant.
3. As a result of the evolving epidemic from COVID-19, business entities have returned to COVID-19 protocols and restrictions, allowing for continued business disruptions and more modifications of operations e.g. closings, reduced hours, work from home, work remotely/in office hybrid models, not allowing to conduct business in timely manners.
4. Thus, precluding an opportune time for retainment of counsel. Future counsel has not been involved in previous litigation and yet to be retained to prepare plus file the petition for certiorari. It will take considerable time for future counsel to familiarize themselves not only with the significant record and to develop a concise petition that will be most advantageous to the Court. Furthermore, future counsel may have other clientele with cases that entail unknown litigation deadlines as additional time is imperative to compose writ of certiorari.
5. This case presents significant importance to citizens nationwide, the Constitution and all who work in a respective Judiciary and Bar of the United States. Therefore, requiring more time for counsel to make sure relevant issues are wholly and adequately presented to this Court.

Statute the Jurisdiction of this court is invoked under:

The Federal Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C.A. 5106g), as amended by the CAPTA Reauthorization Act of 2010, defines child abuse and neglect as, at minimum:

- Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation"; or
- An act or failure to act which presents an imminent risk of serious harm."

Constitutional Amendments or Statutes involved may have on case:

The U.S. Supreme Court has repeatedly held that parents have a fundamental right to make decisions as to the companionship, care, custody, and management of their children, which right is a protected liberty interest under the due process clause of the Amendment.

Fourteenth Amendment – protects fundamental right to family integrity against unwarranted government intrusion

- *Troxell v. Granville*, 530 U.S. 57, 65-66, 120 S.Ct. 2054, 2060 (2000)

Procedural Due Process

- *Hollingsworth v. Hill*, 110F.3d 733,739 (10th Cir. 1997)

Substantive Due Process

- *Behm*, 172 F.Supp.2d at 584-85

First Amendment – fundamental right to familial association between parents and children

- *Behm v. Luzerne County Children and Youth*, 172 F.Supp.2d 575, 585 (M.D. Pa. 2001)

Fourth Amendment – fundamental right to be secure in their persons...against unreasonable seizures and searches

- *Kovacic v. Cuyahoga County Dept. of Children and Fam.*, 809 F.Supp.2d 754, 771-75 (ND Ohio 2011)

Important Questions that were determined adversely by the court below:

- Can government intrusion be warranted according to the U.S. Constitution if insufficient evidence exists for neglect / CHINS adjudication?

- Can government intrusion be justified according to the U.S. Constitution when coercive intervention of the court is not necessary?

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including March 20, 2022, to file a petition for a writ of certiorari in this case.

Respectfully submitted,

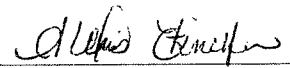
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Declaration of Compliance

I declare under penalty of perjury that the foregoing is true and correct. Executed January 19, 2022.

Supreme Court of the United States
1 First Street N.E.
Washington, DC 20543

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