

NO. 21-7833
IN THE
SUPREME COURT OF THE UNITED STATES

Rhonda Nanette Polite (Petitioner)

v.

KILOLO KIJAZAZI, Acting Commissioner

Of Social Security
Respondent

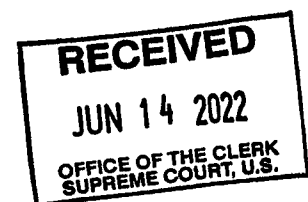
“John”

Respondent

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

APPLICATION TO THE HONORABLE JUSTICE ELENA KAGAN

Rhonda Polite
411 Orange Avenue Apt. #1
Long Beach, CA 90802
714-331-1735



APPLICATION FOR AN EXTENSION OF TIME

To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to this Court's Rules 13.5, 22, 30 and 33, Petitioner Rhonda Nanette Polite respectfully requests that the time to file its Petition for Writ of Certiorari in this matter be extended for 60 days up to and including August 6, 2022. The Court of Appeals issued its opinion on September 23, 2021. (Exhibit 1) denying Plaintiff the right to file an amended complaint/or ignoring Plaintiff's meritorious second amended complaint. Absent an extension of time, the Petition for Writ of Certiorari would be due on June 27, 2022. Petitioner is filing the Application more than ten days before that date See S. Ct. Rule 13. This Court would have jurisdiction over the judgement under 28 U.S.C. 1254(1).

REASONS JUSTIFYING EXTENSION OF TIME

The time to file a Writ of Certiorari should be extended for 60 days for the following reason:

1. Petitioner is in pro per status and has requested a sample of what "book form" should look like, and instructions on how to construct my writ. Clerk has sent petitioner a sample. Due to the fact I reside in California I probably won't receive packet until next Monday the 13th of June, giving Petitioner only two weeks to prepare and follow the rules of this Honorable Court. The time allotted to do my research is not feasible.
2. An extension should not prejudice respondents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rhonda N. Polite". The signature is fluid and cursive, with the first name "Rhonda" and last name "Polite" clearly distinguishable.

Rhonda N. Polite

Exhibit #1

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2021

FOR THE NINTH CIRCUIT

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

RHONDA NANETTE POLITE,

No. 20-55621

Plaintiff-Appellant,

D.C. No. 8:19-cv-01518-JLS-DFM

v.

MEMORANDUM*

KILOLO KIJAKAZI, Acting Commissioner
of Social Security,

Defendant-Appellee,

and

JOHN,

Defendant.

Appeal from the United States District Court
for the Central District of California
Josephine L. Staton, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

Rhonda Nanette Polite appeals pro se from the district court's judgment

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

dismissing her action alleging a violation of Title VII and state law. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Colony Cove Props., LLC v. City of Carson*, 640 F.3d 948, 955 (9th Cir. 2011). We may affirm on any basis supported by the record. *Enlow v. Salem-Keizer Yellow Cab Co.*, 389 F.3d 802, 811 (9th Cir. 2004). We affirm.

Dismissal of Polite's Title VII claim was correct because Polite failed to allege facts sufficient to state a plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (a plaintiff fails to show she is entitled to relief if the complaint's factual allegations "do not permit the court to infer more than the mere possibility of misconduct"); *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973) (elements of a Title VII failure-to-hire employment discrimination claim).

The district court did not abuse its discretion by dismissing Polite's second amended complaint without leave to amend because amendment would have been futile. *See Serra v. Lappin*, 600 F.3d 1191, 1200 (9th Cir. 2010) (setting forth standard of review and factors for determining whether to grant leave to amend); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) ("[T]he district court's discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint." (citation and internal quotation marks omitted)).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.