

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

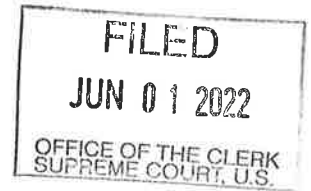
Application No. 21A724

DR. USHA JAIN AND MANOHAR JAIN

Petitioners,

v.

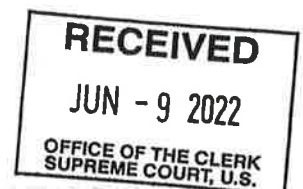
DAVID BARKER, MARY BETH VALLEY, MICHAEL FURBUSH
Respondents,



**APPLICATION OF DR. USHA JAIN AND MANOHAR JAIN FOR AN EXTENSION OF
TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

To the Clerk of the Court or Honorable (Justice) of the (Court of the above circuit)

Petitioners Dr. Usha Jain and Manohar Jain appearing *pro se*, pursuant to Rule 13(5) of the Rules of this Court hereby moves for an extension of 30 days for the filing of a petition for a writ of certiorari to be filed on July 16, 2022, to review the decision of the Fifth District Court of Appeals of the state of Florida for the Eleventh Circuit dated January 11, 2022, on which a timely petition for rehearing and for rehearing en banc and Motion for Issuance of Written Opinion was denied on February 16, 2022. Previously, the court granted 30 days extension due to recovering status of the petitioners from COVID 19 (Application no 21A724). The petitioners requesting another 30 days required to get further recovery of lungs and cognitive abilities. The Jains are more than 70 years old with underlying health conditions like diabetes, hypertension, etc. Any undue stress would be detrimental to their recovery. Presently, the Jains are taking hyperbaric oxygen therapy to treat and prevent permanent damage to their health especially lungs and brain. Petitioners are also looking for a Constitutional attorney to represent them. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).



1. The application for extension is being filed about 15 days prior to the due date of June 16, 2022 and the copies of opinions are attached as an exhibit per rule.
2. The date within which a petition for writ of certiorari would be due, if not extended, is June 16, 2022 and if the extension is granted then it would be due on July 16, 2022
3. This court has jurisdiction to hear the judgment of highest court of the state in Petitioner's case of federal law of inequality racial/ethnic per the Civil Rights Act of 1964 in the application of FS 57.105 in the state court and federal removal was filed per 28 USC§1443(1) There are violations of federal statutes of 28 USC § 1446 (d) and 1447 (c).
4. During this unprecedented time the Jains are requesting 30-day extension as the undersigned faced an UNFORSEEN and EXCEPTIONAL CIRCUMSTANCES of COVID 19 infection despite being fully vaccinated. The Jains are over 70 years old with diabetes, hypertension and low immune system from stress. The Jains have received the monoclonal antibody treatment in the emergency room and recovering. Mr. Jains had follow up chest x ray, also had to use breathing machine and had echocardiogram and stress test. We are using hyperbaric oxygen therapy to counteract the effects of infection and prevent permanent damage.¹
5. These 30 days also would give the Jains a chance to look for an experienced attorney in the Constitution and Federal Statute 28 USC §1447 (c) of remand governing the transfer of Jurisdiction from the federal court back to the state court.²
6. There are "competing views" and "conflicting cases, even within state of Florida

¹ In our medical center we stopped seeing the patients with upper respiratory infections for almost two years but we still got COVID.

² The petitioners are of Asian race with English as their second language (LEP) and even though the Jains know the facts of the case the best but still would prefer to retain an experienced constitutional attorney to represent them

regarding the effect of the federal removal statutes on state court jurisdiction. More specifically, there is a split of authority in federal, out-of-state, and Florida decisions as to whether an order entered by a state trial court during the removal period is void. The majority position, nationally and within Florida, is that "after removal, the jurisdiction of the state court absolutely ceases and the state court has duty not to proceed any further in the case. Any subsequent proceedings in state court on the case are void *ab initio*."

7. The petition is important because the Supreme Court needs to resolve the conflict of the endpoint determination of transfers of the jurisdiction which should be pursuant to the Federal Statutes 28 USC § 1447 (c) as amended by Congress in 1948. The Statute is clear and not ambiguous and should not be subject to various interpretations by Judges.

8. The petition is worth the time because the opinion was without jurisdiction. Important questions of regaining of jurisdiction by the state court per Federal Statute 28 USC § 1447(c) were determined adversely by the court below.

9. The petition is necessary for the violation of due process rights affecting the livelihood. (Violation of federal statutory rights of due process and equal protection bestowed by the 14th amendment of pro se litigants which affect millions of people in the country every day).

10. The petition is necessary because State Court Judge Ashton called minority Dr. Jain's emergency center outside the noticed hearing time and demanded to attend the hearing while working on the multiply injured patient (unscheduled hearing). This demand of leaving the injured patient in the middle of the treatment would not only jeopardize the doctor's medical license and livelihood but also jeopardizes patient's emergency care. This case is of exceptional importance

especially to the jurisprudence of United States and Florida as a judicial precedent.

WHEREFORE, for foregoing reasons during this unprecedented time and unforeseen and exceptional circumstances, the Petitioner Jains request to grant an extension of 30 days to file their writ of certiorari by July 16, 2022.

Respectfully, submitted on this 1st day of June, 2022.

Usha Jain and Manohar P. Jain

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