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IN THE UNITED STATES SUPREME COURT

ORIGINAL

CHAKAKHAN R. DAVIS.,
PETITIONER (S).,

Vs.

Civil Action No. _____
Fifth Circuit No. 21-60640

DOLLAR GENERAL CORPORATION, LLC., ET AL.,
RESPONDENT (S).

FILED
AUG 11 2022
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SUPREME COURT, U.S.

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

(EXPEDITED CONSIDERATION REQUESTED)

Pursuant to **Rule 30.2–3** of the **U.S. Supreme Court.**, Section **28 U.S.C. § 1657**, et al., the Petitioner Ms. Chakakhan R. Davis respectfully files this *Motion for an Extension of Time to file a Petition for Writ of Cerertirio*. Summarily, on April 1st 2022 the Fifth Circuit Court of Appeals Affirmed the United States District Court for the Southern District of Mississippi (Northern Division) Decision. This action by the Court caused the Petitioner to Petition for *En Bac* Rehearing that were denied by the Court on June 7th 2022. The Fifth Circuit Court of Appeals entered its Mandate in this Appeal Proceeding on June 15th 2022. An copy of that Order or Proceeding is attached hereto as **Exhibit "A"**. According, to Section 28 U. S. C. § 2101 (c), the Petitioner has (90) ninety days from the entry of the Courts Opinion to Petition this Court for a Writ of Cerertirio. This Time Limit would otherwise elapse on or about the 7th day of September 2022. To the extent, this Motion is Timely made within the Original Time Limit allowed for Writs of Cerertirio and "Good Cause" exist therefor. Briefly, the Petitioner who is Proceeding Pro Se asserts that not only her Informa Pauperis Status requires such, but other viable causes. The Petitioners desire to adequately prepare the Writ for filing with this Court is another substantial reason for the delay. On the other hand, the Respondents and its Counsel cannot be prejudiced by any grant act of this Motion. Particularly, the Petitioner are asking this Court to be allowed an additional (90) ninety days to file a Petition for Writ of Cerertirio. See, e.g., Section 28 U. S. C. § 2101 (c). This full amount of Time is Requested and is clearly Reasonable according to the Facts or Circumstances of this Case.

The Fifth Circuits Decision to Affirm the U.S. District Courts Erroneous Judgement is a complete departure of the Well Accepted and Usual Course of Judicial Proceedings as to call forth an exercise of this Courts Supervisory Power. Indeed, the Opinion that the Fifth Circuit originally entered in this Case on April 1st 2022 is an extreme

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departure that presents an "Extraordinary Circumstance" for this Court to grant a Writ of Certiorari. This is particularly true, since in both Lower Courts the Petitioner were allowed to Proceed Informa Pauperis due to her indigence, but Ordered to pay the Appeal Costs unto the Appellees Counsel which is in the disguise of Monetary Sanctions. See, e.g., Section 28 U. S. C. § 1915, et seq. There is a Circuit Split on whether a Pro Se Litigant can be subjected to Monetary Sanctions under Section 28 U.S.C. § 1927. The Question of Law remains open in the Fifth Circuit and other Court of Appeals. In fact, the Fifth Circuit has held that an Award of Costs is just like Attorney Fees under Section 28 U.S.C. § 1927. See, e.g., *Simmons v. Methodist Hosps. of Dallas*, 632 F. App'x 784, 787 n.5 (5th Cir. 2015) and *Barcroft v. Gibbs*, No. 416CV00562ALMCAN, 2017 WL 1499247, at *5 (E.D. Tex. Apr. 5, 2017), report and recommendation adopted, No. 4:16-CV-562, 2017 WL 1498532 (E.D. Tex. Apr. 25, 2017) (collecting District Court Cases evaluating if a Pro se Litigant can be Sanctioned under § 1927). Overall, the Fifth Circuits Opinion to Affirm the Lower Courts Decision is an "Extraordinary Departure" since the Judgement were obtained through fraud committed upon the Court by the Appellees and its Counsel. It is thus void since at all Relevant times, the Court lacked Personal and/or In Personam Jurisdiction over the Non Party Defendant Dollar General Corporation. See, e.g., Rule 59 (e) of the Fed. R. Civ. P., Rule 60 (b) (4) of the Fed. R. Civ. P., and *State ex rel. Dean v. Nelson*, 169 S.W.3d 648, 649 (Tenn. Ct. App. 2004).

Nevertheless, additional time is needed in light of this Courts previous Ruling on the First Motion for an Extension of Time. Specifically, this Motion for an Extension of Time is from the Fifth Circuits Ruling on June 15th 2022 and not the previous Motion for an Extension of Time. The Petitioner in this action had sought this Court to Withdraw the Motion before any Order was entered on the Request. Particularly, since at the time she had decided to Petition the Fifth Circuit for Rehearing and not a Writ of Certiorari unto this Court. See, *Exhibit "A" attachments*. Therefore, a significant amount of time has been lost from the previous Motion for an Extension of Time that has no particular Relevance to this Motion that is anew.

WHEREFORE PREMISES CONSIDERED, for the foregoing reasons, the Petitioner in this action respectfully request this Court to grant this Motion in its entirety. Finally, pursuant to Section 28 U.S.C. § 1746 of the United States Constitution., Ms. Davis declare under penalty of perjury of the Laws of the United States of America that the foregoing information contained in this Motion are true and correct and it would be properly granted in the interest of Fairness, Equity and Justice.

This the 11th day of August 2022.,

Respectfully Submitted,
MS. CHAKAKHAN R. DAVIS, PETITIONER