

No. _____

In the
Supreme Court of the United States

Sergei Vinkov,

Petitioner,

v.

California Superior Court for County of Riverside

Respondent

**APPLICATION TO ASSOCIATE JUSTICE ELENA KAGAN
FOR EXTENSION OF TIME WITHIN WHICH
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO
CALIFORNIA SUPREME COURT**

Sergei Vinkov

Pro Se

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QUESTIONS PRESENTED

(1) Does California Supreme Court create unconstitutional burden on Petitioner's rights abstaining from compelling the state trial court to enter the final judgment of dismissal in a civil action?

(2) Has the trial court properly exercised jurisdiction over the Plaintiffs' defamation claims against a religious speaker in the light of the Federal Constitution and the First Amendment in particular?

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
APPENDICES.....	iii
INTRODUCTION	1
CONCLUSION	2
APPENIDICES	4

Table of APPENDICES

Appendix 1. CA Supreme Court Clerk's Notice denying to accept petition for reconsideration in case S275817 dated 09/30/2022.

Appendix 2. CA Supreme Court Order denying petition for review and pending motion in case S275817 dated 09/14/2022.

Appendix 3. Copy of Petition in CA Supreme Court in case S275817 dated 08/03/2022.

Appendix 4. Copy of *En Banc* Petition in 9th Circuit in case 21-21-55857 dated 10/09/2022.

INTRODUCTION

Pursuant to *Sup. Ct. Rule 13.5* Sergei Vinkov ("Vinkov") submits his application to Associate Justice Hon. Elena Kagan for emergency relief in the form of an extension of a 51-day extension period, up to and including Friday, February 3, 2023, within which to file a petition for a writ of certiorari in this case. The current jurisdictional deadline pursuant to 28 USC § 1257 and § 1254(1) is Tuesday, December 13, 2022 prompted by the discretionary denial of review on 09/14/2022 within California Supreme Court (**App1; App2**). This application complies with Rules 13.5 and 30.2 as it is being filed 10 days or more before the petition is due.

In support of a good cause appearance, the Applicant alleges the following:

1. The additional time is necessary to conduct a retrospective research on jurisprudence of this Court to articulate the reasons for interventions of the highest court into lower proceedings, wherein the state trial court resists providing the final judgment on the records, especially under the restrictions of the XI Amendment (**App1, App3**).
2. The extension will give the Applicant time to finalize the review of the split of authorities of the highest courts of the states on the application of the religious abstention doctrine and the scope of protections for aliens under the US Constitution.
3. The Applicant is a self-represented party without a legal degree, and English is no his first language. The Applicant solely conducts a legal

research and produces extensive writing simultaneously in the state and federal courts (See the pending appeal in 9th Circuit, *en banc* petition is attached in **App.4**).

4. The Applicant suffers from the conflict schedule between his student workload in the community college (Fall22 semester is ending around the current jurisdictional deadline) and the workload under the high stakes litigations potentially able to settle nationwide open legal questions on the scope of constitutional protections for aliens maintaining the membership in domestic religious corporations and the split of authorities on the application of the religious abstention doctrine between the states.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the time for filing a petition for a writ of certiorari in this case be extended by a 51-day extension period, up to and including Friday, February 3, 2023.

Respectfully submitted,

Sergei Vinkov

Pro Se



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November 30, 2022

CERTIFICATE OF COMPLIANCE WITH RULE 33

I, Sergei Vinkov, the Applicant *Pro Se*, hereby certify that the foregoing application for extension does not exceed the 9,000 words limitations set in *Sup. Ct. Rule 33*.

Sergei Vinkov

Pro Se



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November 30, 2022

SUPREME COURT
FILED

SEP 14 2022

Court of Appeal, Fourth Appellate District, Division Two - No. E079115

Jorge Navarrete Clerk

S275817

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

SERGEI VINKOV, Petitioner,

v.

SUPERIOR COURT OF RIVERSIDE COUNTY, Respondent;

MARK SMITH et al., Real Parties in Interest.

The request for judicial notice is denied.
The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

**Additional material
from this filing is
available in the
Clerk's Office.**

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Riverside

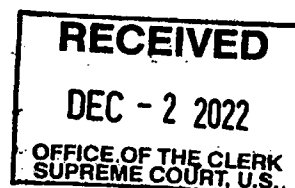
Respondent

Proof of Service

I, Sergei Vinkov, do swear or declare that on this date, **November 30, 2022**, as required by US Supreme Court Rule 29 I have served the enclosed paper copies and an electronic version of the documents:

- (i) APPLICATION TO ASSOCIATE JUSTICE
ELENA KAGAN FOR EXTENSION OF TIME
(with appendices) ;
- (ii) PROOF OF SERVICE (not executed)

on parties' counsels, and on every other person required to be served, by depositing an envelope containing the above documents in the United States Postal Service by first-class mail (including express or priority mail), postage prepaid. The names and addresses of those served are as follows:



(i) Bret Lewis, SBN 166819, an attorney for Mark Smith and Solar Forward Electric, Inc., real parties of interest

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(ii) Michael Mongan, California Solicitor General

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(iii) SUPERIOR COURT OF CALIFORNIA,
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Manuel Bermudez
appealsteam@riverside.courts.ca.gov
4050 Main St, Riverside, CA 92501-3702,
Phone: (951) 777-3147

I declare under penalty of perjury that the foregoing is true and correct. Executed on **November 30, 2022**.



Sergei Vinkov.