

ORIGINAL

No. 22A554

FILED
JAN 14 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

**IN THE
SUPREME COURT OF THE UNITED STATES**

Derek W. Cole,

Applicant,

v.

Marcie R. McMinimee, in her capacity as Trustee of the Derek Windell Cole Trust,

Respondent.

**(SUPPLEMENTAL) APPLICATION -- FOR "GOOD
CAUSE" SHOWN UNDER RULE 13.5 (2019) -- FOR A 30-
DAY EXTENSION OF TIME TO FILE APPLICANT'S
PETITION FOR A WRIT OF CERTIORARI**

**To the Honorable Neil M. Gorsuch
Associate Justice of the United States Supreme Court
and Circuit Justice for the Tenth Circuit**

Applicant (Pro Se):

Derek W. Cole (*Pro Se*)
21968 East Princeton Drive
Aurora, CO 80018
Ph: 720-309-0490

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JAN 18 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

To the Honorable Neil M. Gorsuch, Associate Justice of the United States Supreme Court and Circuit Justice for the Tenth Circuit

I. (SUPPLEMENTAL) APPLICATION FOR EXTENSION OF TIME

¶ 1 Pursuant to Supreme Court Rules (“Rule(s)”) **13.5, 30.2, and 30.3 (2023)**, Derek W. Cole (“Applicant”) respectfully requests, for “good case” shown (herein) through the filing of this (supplemental) application for an extension of time, to be “Granted” the remaining 30 days of extension time – allotted under Rule **13.5 (2023)**¹ -- to file a petition for a writ of certiorari in these matters.

II. CALCULATION(S) OF FILING DEADLINE(S) (Rule 30.1 (2023))

¶ 2 Presently, and according to the Office of the Clerk’s notification letter, dated December 21, 2022, Justice Gorsuch “...extended the time to and including January 24, 2023.”

¶ 3 If this (supplemental) application for an extension of time is “Granted,” and by Applicant’s calculation(s) -- under Rule **30.1 (2023)** – the (new) deadline for filing a petition for a writ of certiorari would be: Thursday, February 23, 2023.

¹ In part, Supreme Court Rule 13.5 (2019) states: “For good cause, a Justice may extend the time to file a petition for a writ of certiorari not exceeding 60 days.” [...]

III. BASIS FOR JURISDICTION (Rule 13.5 (2023))

¶ 4 This (Honorable) Court has jurisdiction under 28 U.S.C. § 1257(a); which, in part, states

(*verbatim*):

- (a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

III. JUDGMENT SOUGHT TO BE REVIEWED (Rule 13.5 (2023))

¶ 5 The Colorado Supreme Court's Order of "Monday, September 26, 2022." (attached as **Appendix (A)**)

IV. REASONS EXTENSION IS JUSTIFIED (Rule 13.5 (2023))

¶ 6 The (specific) reasons why a further extension of time is justified -- for "good cause" shown under Rule 13.5 (2023) for the remaining 30 days of extension time, are set forth (below) in paragraphs ¶¶ 7 - 16.

¶ 7 For the sake of brevity, Applicant (hereby) realleges, and incorporates by reference, all facts and/or allegations set forth in Applicants (first) application for extension of time, filed on December 15, 2022.

¶ 8 **Appendix (B)** documents the fact that Applicant is a (permanently, medically) “disability retired” veteran of the United States Navy.

¶ 9 Rule 40.1 (2023), quoted (*verbatim*) below, allows “veterans” to proceed in this (Honorable) Court as follows:

1. A veteran suing to establish reemployment rights under 38 U. S. C. §2022, or under any other provision of law exempting veterans from the payment of fees or court costs, may proceed without prepayment of fees or costs or furnishing security therefor and may file a motion for leave to proceed on papers prepared as required by Rule 33.2. The motion shall ask leave to proceed as a veteran and be accompanied by an affidavit or declaration setting out the moving party's veteran status. A copy of the motion shall precede and be attached to each copy of the petition for a writ of certiorari or other substantive document filed by the veteran.

¶ 10 Rule 38 (2023) governs the “fees” required to proceed in this (Honorable) Court.

¶ 11 Rules 12.1, 33.1, and 38(a) (2023) govern the “fees” and number(s) of “copies” required to proceed in this (Honorable) Court.

¶ 12 Rules 12.2, 33.2, and 39 (2023) govern parties seeking to proceed *in forma pauperis* in this (Honorable) Court.

¶ 13 Due to the fact that both Denver Probate Court Judge Elizabeth D. Leith, and Respondent, Marcie R. McMinimee, have (consistently, historically, and adamantly) refused to provide Applicant with (both) the (financial) “means” and “ability” -- from his own (“lawful,” “testamentary”) “inheritance” – to seek (1) “fairness”; (2) “due process”; (3) “equal protection”; (4) “justice”; and (5) “equity” (in both Colorado and the United States of America), Applicant was “compelled” to file **Appendix (C)** with the Denver Probate Court on January 12, 2023.

¶ 14 **Appendix (C)** documents a “fraction” of the (“unlawful,” “unethical,” and “unconstitutional”) “impediments” – from (1) Denver Probate Court Judge Elizabeth D. Leith, (2) Respondent, Marcie R. McMinimee, and (3) the Colorado’s Appellate Courts – which Applicant asserts, “on information and belief,” have and “violated” his “rights” under the United States Constitution and Colorado Constitution.

¶ 15 **Appendix (C)** does not reveal, however, all of the “deprivation(s)” of Applicant’s “rights” and “necessities of life” – inflicted upon Applicant by (1) Denver Probate Court Judge Elizabeth D. Leith, (2) Respondent, Marcie R. McMinimee, and (3) the Colorado’s Appellate Courts – which Applicant has, since May 2019 (the month/year Applicant’s father died), has been forced to endure.


¶ 16 Until Denver Probate Court Judge Elizabeth D. Leith and Respondent, Marcie R. McMinimee, (ultimately) “do the right thing” for Applicant, his “free exercise,” and/or “invocation,” of his “constitutional rights” will remain “chilled,” in this (Honorable) Court, by their (wrongful, unlawful, and unethical) actions.

V. CONCLUSION

¶ 17 For all of the foregoing reasons, and with “good cause” shown for “good case” shown through the filing of this (supplemental) application for an extension of time, Applicant respectfully requests to be “Granted” the remaining 30 days of extension time – allotted under Rule 13.5 (2023) -- to file a petition for a writ of certiorari in these matters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 13 JANUARY, 20 23



APPLICANT (Pro Se):

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APPENDIX (A)

RECEIVED SEP 29 2022
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Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: September 26, 2022
Certiorari to the Court of Appeals, 2020CA842 City and County of Denver Probate Court, 2019PR31334	
In re the matter of Derek Windell Cole Trust, Petitioner: Derek W. Cole, v. Respondent: Marcie R. McMinimee, in her capacity as Trustee of the Derek Windell Cole Trust.	Supreme Court Case No: 2022SC259
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals and after review of the record, briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petition for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, SEPTEMBER 26, 2022.

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SUPREME COURT OF THE UNITED STATES

Derek W. Cole,

Applicant,

v.

Marcie R. McMinimee, in her capacity as Trustee of the Derek Windell Cole Trust,

Respondent.

PROOF OF SERVICE

I, Derek W, Cole (Pro se), do swear or declare that on this date,

1-14, 20 23, as required by Supreme

Court Rule 29, I have served the enclosed **APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI** on each party to the above proceeding and/or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class

postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Marcie R. McMinimee, #34674 (via USPS Mail and E-mail)

Emily L. McDaniel, #55089 (via USPS Mail and E-mail)

Schwartz, McMinimee & Andrew, LLC

3773 Cherry Creek N. Drive, Suite 775

Denver, CO 80209-3811

Phone: 303-524-5100

Fax: 303-534-5186

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-14, 20 23



APPLICANT (Pro Se):

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