

No. 22A62

In The Supreme Court of The United States

Javier Bautista-Scheuber, Petitioner,

v.

Alia Day Floren, Respondent.

MOTION TO EXCEED LIMIT ON NUMBER OF PAGES..

Con formato: Fuente: 14 pto

Pursuant to Rule 21, I, Javier Bautista-Scheuber (Petitioner), kindly move the Court for permission to exceed Rule 33.2 limit on the maximum number of pages allowed for my petition for writ of certiorari.

Con formato: Fuente: Negrita

Con formato: Centrado

The Montana Supreme Court entered its Opinion denying my appeal on April 26, 2022, in case DA 21-0181. This Court granted on July 22nd, 2022⁵ a 60 days extension to file Petition for Writ of Certiorari until September 23rd, 2022. On September 28th, 2022 - and then again on December 9th, 2022 - the Clerk requested corrections on my petition and gave – in each occasion - 60 days to complete them. On September 28, 2022, the Clerk requested corrections on my petition and gave me 60 days to complete them.

This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

Affidavit in support of Motion to Exceed Limit on Number of Pages.

Con formato: Fuente: Negrita, Subrayado

Con formato: Centrado

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Con formato: Fuente: (Predeterminada) Times New Roman

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1) - My petition asks the Court to review a case where several important issues coalesce. I need space to explain each of these issues in a sufficiently meaningful manner.

Con formato: Fuente: (Predeterminada) Times New Roman, Negrita

I am not asking to be allowed more space for my petition, in order to be able to elaborate on an unnecessarily detailed legal argument. Rather, I find that I have been treated cruelly and abominably by the Montana courts. My petition therefore contains the kind of very serious and grave allegations, which nobody should make lightly. I feel I cannot frivolously lay down such grievances without any base or explanation justifying the severity of my statements. Much to my own lament, these kind of explanations require space.

1.1) I cannot frivolously make allegations as bold and grave as stating that both, the Montana Supreme Court and the Montana 4th District Court were corrupt.

Rather, I need to provide some description of how the Montana Supreme Court misrepresented my own argument and maliciously misinterpreted Rule 60 of Civ. Proc., in order to avoid addressing any of the issues I had brought for appeal. Similarly, I should also provide a description of how District Court first misrepresented the very own court records and then, not only manipulated the testimony of a mentally-ill witness, but also fabricated testimony to incriminate me.

1.2) - I cannot frivolously allege that the Montana courts discriminated against me based on my disability and ethnicity.

But I need to provide some basic description of how - despite being blind) I was declared a threat to my wife's safety, after I was not allowed to present any evidence proving false all the allegations against me. Indeed, I was not allowed to present any evidence, because I was denied the reasonable disability accommodations I am entitled and require due to my blindness, in order to be able to fill out the mandatory 'Notice of Filing' form.

Similarly I should also explain how I was not allowed to appear and be heard at my dissolution hearing, as I was discriminated against based on my disability, having been denied the 15-minutes grace period District Court grants otherwise to everybody without disability and accessibility handicaps.

1.3) - I cannot frivolously say that my wife is mentally-ill and the people currently in control of her has taken advantage of the vulnerability resulting from her mental state, in order to manipulate and tear her apart from me.

Rather, I need to provide some factual and evidenciary background to explain where she comes from: how her biological father committed suicide when she was 22 months old, after (supposedly) kidnapping her from her mother. How she was induced and started into drugs at the early age of 11, as a form to forever-and-ever bind her to her "very cool mother". How she attempted suicide after being fooled by some cassanova playboy (despite how close we were and all what we loved each other) to break-up with me, only to discover that her cassanova was just playing. How she has admitted to suffer hallucinations and have been diagnosed PTS disorder. How she has been poisoned and manipulated to make the most ridiculosly-grotesque false allegations of abuse against a blind person.

1.4) - I cannot simply say that the Montana courts have never heard my case and have continuously denied my most basic constitutional right to be heard.

See subsections 1.1 and 1.2.

2) Since I am filing pro se and am not a lawyer, I am completely ignorant of what may be relevant to the Court. I therefore ask for wider latitude, to allow me to explain in a meaningful manner all the issues the lower courts did not address correctly and justly. My request cannot cause any prejudice to anybody but, perhaps, myself.

We all have our own subjective perception of the facts and their relevance and gravity; but the Court is bound by the law and its previous opinions. A lawyer knows these well and can spare words elaborating on arguments the Court is going to disregard. I, however, cannot have this knowledge. I may, for example, find outrageous (and therefore consume much space), that opposing counsel gets to write up, from-top-to-bottom, District Court's orders; but the Court may be used to it. If I will not be able to use my allowed space as wisely, it is only reasonable that I receive wider latitude.

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I am not asking for an unfair advantage: my petition for writ of certiorari is no high-school exam, where I can hope to fool the teacher with endless pages of meaningless text. I am certainly not going to impress the Court by extending my brief more than necessary, but more likely than not, it would play against me to do so. Given the reasonable words of advice of Rule-14.4, I understand that Rule-33.2 40-pages limit is meant, not only to enforce, but, more importantly, to encourage the petitioner to realize, that it is in his best interest to write his petition clearly and concisely.

3) - My petition is written in a schematic, easy-to-read format, which, at the expense of requiring more space, makes the document less time-consuming to read.

My petition is written following a structured and schematic, easy-to-read format. Each little subsection is headed with a short summary. While the inclusion of said summaries extends the length of the text, it also makes the document easier and less time-consuming to read: from the header the Court may anticipate if the subsection is irrelevant and can be skim through or skipped altogether. In order to comply with Rule-33.2 40-pages limit, it would be easy to remove these summary headers to shrink the document's length. However, it would be counterproductive, as it would only make the document harder and more time-consuming to read.

4) - Since I am severely visually impaired and require a screen reader to prepare my petition, I very much need to follow a format that takes more space, so that I am better able to properly edit my text.

For example, since I cannot see the text, from my screen reader I cannot tell when one paragraph ends and the next starts. I therefore like to insert empty lines between paragraphs, so that I can easily identify every paragraph break from my screen reader. In order to comply with Rule-33.2 maximum number of pages limit, I could easily remove all these empty lines; however, while it would not help the Court in any way to more effortlessly read my petition (probably, more like the opposite), it would certainly make it harder for me to edit it.

Respectfully submitted on February 4th, 2023

Respectfully submitted on FebruaryNovember 4th25, 20232

/s/ Javier Bautista-Scheuber *JB*

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Código de campo cambiado
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