

No. 22A 839

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

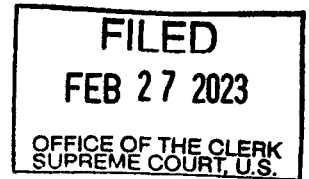
IN the Interest of D.B. & G.B.

Petitioner

v.

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.



ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
FOR A WRIT OF CERTIORARI

Denley Ann Bishop

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73533

Stephanie Zimmerman

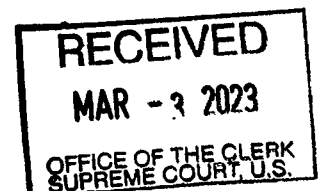
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**PETITIONER’S APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI**

*To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States
and Circuit Justice for the Eleventh Circuit:*

Petitioner, Denley Bishop, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from February 27, 2023, until March 27, 2023, a period of thirty (30) days. This Court has jurisdiction under 28 U.S.C. §1257 and §1254 (1) In support of this Application, Mrs. Bishop states as follows:

BACKGROUND

1. Mrs. Bishop’s children were removed when she went to a women’s shelter in Texas. They claimed they took her children for one reason, because she is “one of them”. They were referring to a Christian. The petitioner had no hearing for months and Oklahoma child welfare tried to contact the Texas social worker seventeen times, and the Texas worker refused to call them back. The father arrived at the Texas court with a motion from Oklahoma to have the children returned to Oklahoma and he was told by the Texas child welfare attorney that he was not allowed to file this motion. The father was unhappy since he spent thousands to have the motion prepared in Oklahoma. They also suppressed evidence of Oklahoma jurisdiction and the tribe to the judge. They lied to the petitioner telling her the judge denied that she was from Oklahoma when in fact they never told the judge. The judge eventually found out a year later when Oklahoma child welfare contacted the judge during a hearing. However, the judge still continued to rule on the case with no jurisdiction, she went as far as to terminate the parental

rights of the parents and issue an adoption order to the abuser's sister. This judge has now been disciplined by the Judicial Qualifications Commission and she no longer has any more cases regarding child welfare. When the case went to the Second District Court of Appeals in Texas, an abatement hearing was ordered due to misconduct. Liberty council assisted the petitioner due to her religious freedom being violated. An abatement hearing was ordered when the petitioner's attorney in the appeal also lied and suppressed evidence about Oklahoma, the tribe and the issue of religious freedom. Matter of a fact, the attorney lied and protected the Department of Children and Families. The brief even appeared to be written for the opposite side. The children were picked up by the aunt and taken to five different states, fleeing writs of habeas corpus filed against them. The petitioner received a call from Texas legal aid telling her to file a writ of habeas corpus in Florida where the aunt fled with the children. The legal aid attorney told her that everything done in Texas was illegal and void at the time the judge's gavel hit the bench. The writ was filed into Lake County Florida. The Honorable judge Cary Rada ordered that the petitioner simply amend the brief to include the aunt. The petitioner filed a review with the Fifth District Court of appeals. Which was denied. The petitioner amended the brief to include the aunt and he dismissed the case. The petitioner appealed the case to the fifth district court of appeals in Florida again. The Fifth district court of appeals denied the appeal without a brief filing or a review. Then the case was taken to the Florida Supreme Court and the court determined that it should decline jurisdiction, under Article V, Section 3(b) Florida Constitution. Texas legal aid instructed her to file a writ of habeas corpus into the state of Florida where the aunt fled with the children. The Lake County court asked her to amend the writ to include the aunt's name as the respondent. Ms. Bishop did this and the Honorable Judge Cary Rada denied it.

2. Mrs. Bishop now seeks a writ of certiorari for the United States Court of Appeals for the Eleventh Circuit. This Court's jurisdiction to grant the same arises pursuant to 28 U.S. C. § 1254 (1) and 28 U.S.C. § 1257(a).

Reasons for Granting an Extension of Time

The time to file a petition for a writ of certiorari should be extended for 30 days for the following reasons: 1. Since the decision below was issued, Applicants have been considering whether to seek this Court's review, and only recently decided to petition for certiorari. Moreover, Applicants only recently contacted the Becket Fund for religious freedom, the Harvard Religious Freedom Law Clinic and The Alliance Defense Fund for Religious Freedom and Parental Rights to assist in this case. Furthermore, the Cherokee tribe is a party to this case, and they are requesting counsel to intervene. The tribe stated they were closed during the holidays and during Covid, so they are still working on the case, even though there is pressure from Lenard Gouch of Indian Child Welfare. Additional time is necessary to study the record below and the legal issues in the case and to prepare a petition. Moreover, the petition is currently due on February 27, 2023. Many of the attorneys representing Applicants in this case in Texas took her money and did not file any motions or even assist her. There was quite a lot of misconduct with these attorneys, and she has needed time to find additional counsel.

2. No prejudice would arise from the requested extension. If the petition were granted, the Court would hear oral argument in this case in the October 2023 Term regardless of whether an extension is allowed.

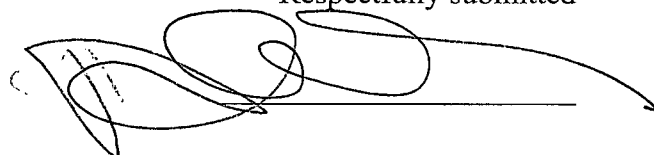
3. The extension was not filed within ten days earlier due to an emergency situation. The petitioner was writing the writ of certiorari to the court when a tornado struck Oklahoma. Thousands were without power all over the state of Oklahoma. The petitioner was left without power to finish the writ of certiorari.

4. There is a reasonable prospect that this Court will grant the petition. The Honorable United States Supreme Court is currently deciding a case regarding the same issues. *Haaland v. Brackeen* is the lawsuit brought by Texas (and previously Indiana and Louisiana) and several individual plaintiffs, who allege ICWA is unconstitutional. This case has worked its way through the lower courts (federal district court, Fifth Circuit Court of Appeals, Fifth Circuit en banc) and is being reviewed by the U.S. Supreme Court. The case at par was from the same area of Texas that is arguing to ignore ICWA. This case is a precedent case since there are no other cases where child welfare removes children for one reason, because they are “one of them.” This case is of importance to the current ICWA case pending in the US Supreme Court. This case is also in conflict with the *Yoder vs. Wisconsin* case that states that parents have a right to raise their children under their religious beliefs without the fear of intervention of the state. *Wisconsin v. Jonas Yoder*, 406 U.S. 205 (1972), is the case in which the United States Supreme Court found that the Amish’s First Amendment’s right to freedom of religion were violated. The parents’ fundamental right to freedom of religion was determined to outweigh the state’s interest in their children. which contradicts this Court’s precedent and creates a split in authority, warrants this Court’s review.

Conclusion

For these reasons, the time to file a petition for a writ of certiorari should be extended 30 days to and including March 27, 2023.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Denley Ann Bishop', written over a horizontal line. The signature is fluid and cursive, with a long tail that extends to the right.

Denley Ann Bishop

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Supreme Court of Florida

TUESDAY, NOVEMBER 29, 2022

CASE NO.: SC22-1005

Lower Tribunal No(s).:

5D22-312; 352022DP000027AXXXX; 352021DP000150AXXXX

D.B.

vs. DEPARTMENT OF CHILDREN
AND FAMILIES

Petitioner(s)

Respondent(s)

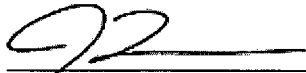
This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

MUÑIZ, C.J., and CANADY, POLSTON, LABARGA, and GROSSHANS, JJ., concur.

A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court

