

No. \_\_\_\_\_

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In The  
**Supreme Court of the United States**

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RANDY RALSTON; LINDA MENDIOLA,

*Petitioners,*

v.

SAN MATEO COUNTY, CALIFORNIA and  
CALIFORNIA COASTAL COMMISSION,

*Respondents.*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**APPLICATION TO THE HONORABLE ELENA KAGAN  
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE  
A PETITION FOR A WRIT OF CERTIORARI TO  
THE NINTH CIRCUIT COURT OF APPEALS**

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To the Honorable Elena Kagan, Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioners Randy Ralston and Linda Mendiola respectfully request an extension of time of 60 days to file their Petition for Writ of Certiorari in this Court up to and including June 29, 2023.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is *Randy Ralston, et al. v. County of San Mateo, et al.*, No. 21-16489 (9th Cir. Nov. 1, 2022) (attached as Exhibit 1). The Ninth Circuit Court of Appeals denied Petitioners' timely motion for rehearing en banc on January 30, 2023 (attached as Exhibit 2). This means a Petition is presently due on April 30, 2023. This application for an extension of time is filed more than ten days prior to that date.

### **JURISDICTION**

This case arises under the Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983. Specifically, this case asks whether Petitioners' takings claims are ripe for review under *Pakdel v. City & County of San Francisco*, 141 S.Ct. 2226 (2021), once a duly-authorized agent of the County has made a definitive decision regarding Petitioners' land-use request. This Court has jurisdiction over a timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. § 1254(1).

## REASONS FOR GRANTING EXTENSION OF TIME

Petitioners' undersigned Counsel of Record requires extra time to file a Petition in this case due to concurrent demands on his workload. Counsel represents many other clients in cases spanning multiple jurisdictions, with several upcoming deadlines. Counsel is part of the litigation teams preparing a petition for writ of certiorari due June 1, 2023, in *Gearing v. Half Moon Bay* (see docket no. 22A741). He is also litigating the remand of *Pakdel v. City and County of San Francisco*, No. 3:17-cv-03638-RS (N.D. Cal.), an appeal in the Hawaii Court of Appeals, *State of Hawaii v. Williams*, No. CAAP-18-0000876 (Haw. App.), and preparing to meet additional litigation deadlines in pending and soon-to-be-filed cases in federal and state trial courts. *See, e.g., Wall v. Ainsworth*, No. 22-cv-04668-FMO-SK (N.D. Cal. 2022); *Masucci v. Judy's Moody, LLC*, No. RE-2021-0035 (Me. Super. Ct.). Furthermore, counsel have additional professional and personal obligations placing severe demands on their time.

**CONCLUSION**

For the foregoing reasons, Petitioners request that this Court grant an extension of 60 days, up to and including June 29, 2023, within which to file a petition for writ of certiorari.

DATED: March 28, 2023.

Respectfully submitted,

s/ Robert Thomas

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**CERTIFICATE OF SERVICE**

A copy of this application was served via email and U.S. mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: March 28, 2023.

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