

No. _____

In The

Supreme Court of The United States

ILEEN CAIN

Petitioner,

v.

MERCY COLLEGE, REEMA ZENIELDEN, ASSOC. PROVOST, FACULTY
AFFAIRS

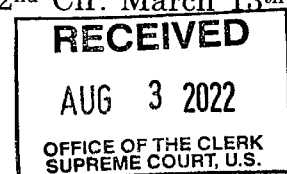
KRISTEN BOWES, GENERAL COUNSEL, MERCY COLLEGE, THOMAS
MCDONALD TITLE IV COORDINATOR MERCY COLLEGE, NICK CANZANO
ASSISTANT DEAN STUDENT AFFAIRS, MERCY COLLEGE

Respondents

**APPLICATION TO THE HON. SONIA SOTOMAYOR
FOR A 60-DAY EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO UNITED STATES COURT
OF APPEALS FOR THE SECOND CIRCUIT**

To the Honorable Sonia Sotomayor Associate Justice, Supreme Court of the United States and Circuit Justice Second Circuit Court of Appeals. Pursuant to Rule 13.5 of the Rules of this Court, Applicant Ileen Cain moves for an extension of time of 60 days, up to and including September 5th 2022 within which to file a petition for a writ of certiorari.

1. Applicant, Ileen Cain will seek review of the Summary Judgment in the matter of Ileen Cain v. Mercy College, et.al No. 2021-824 (2nd Cir. March 13th



2022). A copy of the decision is attached as Exhibit 1. Panel Rehearing En Banc Rehearing was denied on July 7th 2022. The, current deadline for filing a petition for writ of certiorari is October 4th, 2022. This application is filed more than 10 days before the date the petition is due. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1)

2. An extension of time is needed for; Applicant Ileen Cain relies on public accommodation for technology, and research. Places of public accommodation are with time constraints, that limit her use of their technology. Procuring an attorney has proven difficult, and the funds needed to retain counsel are limited. However, she is committed to constructing her petition for a writ of certiorari, within the time frame allowed, by this Court.

3. An extension of time is needed to adequately construct a favorable petition for a writ of certiorari that concisely show the lower court's interpretation of Title IX, Title VI, Sec. 504 of the Rehabilitation Act and the Americans with Disabilities Act is in direct conflict with Supreme Court precedent and is in direct conflict with the Second Circuit Court of Appeals, precedent and its sister Circuits. Research indicate the Supreme Court is generally not concerned with resolving intra circuit conflicts, *Wisniewski v. United States*, 353 U.S. 901, 902 (1957) (per curium). The matter of Ileen Cain v. Mercy College, et. al. present with significant imbalances that makes the matter of national importance. The importance of the matter rest with

maintaining uniformity with Supreme Court Jurisprudence, that is handed down to the District Circuit Courts for guidance.

4. The matter of Ileen Cain v. Mercy College present with three questions that are of national and jurisdictional importance. Proceeding pro se applicant Ileen Cain is aware that questions of jurisdictional and national importance are complexed, such as circumstances that have a profound affect on interstate commerce. Additional time is need to articulate words on paper that deliver a carefully structured petition for a writ of certiorari.

5. The first question: [1] Whether Mercy College as a private college is liable for violating their Schools Policy Regulations, and Procedures. Mercy College Policy adopted the regulations and procedures pursuant to the Constitution of the United States, and federal and state laws: The Fourteenth Amendment as Policy implementing regulations and procedures; The Jeanne Cleary Act as Policy and implementing regulations and procedures; The 2022 Reauthorization of the Violence Against Women's Act as Policy (VAWA) and implementing regulations and procedures; Title IX as Policy and implementing regulations and procedures; Title VI as Policy and implementing regulations and procedures; The Higher Education Act 129-A and B and implementing regulations and procedures; New York City, State and Westchester County Human Rights Law as Policy and implementing regulations and procedures; NY Penal Law Sec. 485 hate, crimes and bias related incidents, implementing regulations and procedures.

6. The second question that is of jurisdictional and of national importance is two-fold [1] Whether matters of cyberstalking and cyberbullying in higher education and private institutions of higher education is ripe for Supreme Court review, A case is ripe when a court "can confidently say that (1) the issues are fit for judicial consideration and (2) withholding of consideration will cause substantial hardship to the parties." *United States v. Villafane-Lozada*, 973 F.3d 147, 150 (2d Cir. 2020) [2] Whether, elements of interstate commerce are affected by instances of cyberstalking/stalking in higher education and private institutions of higher education.

Accordingly, Applicant, Ileen Cain, respectfully asks this Court to grant her application for a sixty- day extension of time including September 5th in which to file her petition for writ of certiorari.

Ileen Cain

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