

23A130  
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

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

Supreme Court, U.S.  
FILED  
JUL 31 2023  
OFFICE OF THE CLERK

DELORIS PHILLIPS,

Petitioner,

v.

TEXAS DEPARTMENT OF INSURANCE-DIVISION OF WORKERS  
COMPENSATION, ET AL,

Respondents

\*\*\*\*\*

**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE  
PETITION FOR WRIT OF CERT  
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT  
WITH ATTACHED MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*  
AND DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT 18 U.S.C. §1621, 28 U.S.C. §1746 & 28 U.S.C. §1915**

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TO THE HONORABLE MISTER JOHN G. ROBERTS, JR., CHIEF JUSTICE OF  
THE UNITED STATES AND ALL ASSOCIATE JUSTICES:

NOW COMES petitioner and pro se *in forma pauper*, Deloris Phillips, pursuant to Supreme Court Rules 10 (a)(c), 13.5, 23 and respectfully requests a sixty-day extension of time for filing a petition for a writ of certiorari, for denied motions/relief, such extension to include September 30, 2023. The Honorable James E. Graves, Jr., Circuit Judge of the U.S. Court of Appeals for the Fifth Circuit Court Order, May 03, 2023, denying appellant's motion to supplement the record, motion for reconsideration, and motion to suspend briefing pending the supplementation of the record, requires a 60-day extension from due date. This brief would be due on tomorrow, Tuesday, Aug. 01, 2023. Appellant first filed application for extension of time to Court on July 17, 2023. There was a return for corrections. The letter w/

attached 23-10009 Clerk's May 03, 2023 Order was returned to petitioner (pgs. 1-3). This application was originally submitted more than ten (10) days prior to the scheduled filing date.

The Supreme Court has proper jurisdiction per Supreme Court Rule 10 (a)(c). Honorable Justices and Honorable Clerk of the Court, petitioner writes to your Court being confused of the Court rules. This is not a frivolous application for extension of time and nor is this an attempt to play on the Court's time and intellect. This application for extension of time is filed in great faith. Due Process-Justice requires perfect impartiality. This is an application for extension of time to file writ of certiorari, and/or writ of mandamus, *Phillips v. TDI-DWC, et al.*

Petitioner is presently the appellant for: 1) Originating petition form TDI-DWC as trial Court Case, 101<sup>st</sup> Dallas County Judicial District Court (DC-21-06299); 2) The Court of Appeals Fifth District of Texas at Dallas, 05-22-00859-CV; 3) The U.S. District Court of Northern Texas Dallas Division (3:22-CV-01598) and 4) The U.S. Court of Appeals for the Fifth Circuit (23-10009).

Honorable Justices, Petitioner files this correction for application for extension of time as soon as petitioner knew it would be impossible, as an uneducated, pro se in forma pauper, to intellectually write a writ of certiorari and/or writ of mandamus in the allotted time required by the Honorable Court.

Honorable Justices and Honorable Clerk of the Court, there would be an egregious conflict of the Court and law to deny this application for extension of time. This is an application for extension of time that precedes, documented, egregious affirmations of injustices.

Honorable Justice Bonnie Goldstein writes in her Order, *Phillips v. TDI-DWC, et al*, Oct. 14, 2022, *Appellant has informed the Court she has removed this civil action to the United States District Court, Northern District of Texas Dallas Division.*

*Pursuant to section 1446 of title 28 of the United States Code, further action in this cause is automatically suspended. See 28 U.S.C.A. § 1446(d). For administrative purposes, this cause is ABATED. It will be reinstated upon receipt of a certified*

*copy of an order of remand. See id. § 1447(c); Gonzalez v. Guilbot, 315 S.W.3d 533, 537-38 (Tex. 2010).* Please ref. Order attached **EXHIBIT ORDER 10.24.2022** (pg. 6) Honorable Justice Bonnie Goldstein further writes in her Order (05-22-00859-CV), March 14, 2023, *We REINSTATE this cause, which we abated upon receiving notice appellant had removed the action to the United States District Court, Northern District of Texas Dallas Division, for the sole purpose of clarifying, at appellees' request, our abatement order. See 28 U.S.C.A. § 1446(d). Appellees explain in their motion to clarify that the trial court has held several hearings since the action was removed and has scheduled an in-person hearing for March 20, 2023. Appellees request we expressly abate or stay the trial court proceedings. We GRANT the motion to the extent we note that jurisdiction over this action lies exclusively in the federal court until the action is remanded, and the state courts are prohibited from proceeding any further until that time. See In re Sw. Bell Tel. Co., L.P., 235 S.W.3d 619, 624 (Tex. 2007) ("From the time the case was removed to federal court until it was remanded to state court, the state court was prohibited from proceeding further."). We also note that any orders entered by the trial court while the action is in the federal court are void. See Meyerland Co. v. F.D.I.C., 848 S.W.2d 82, 83 (Tex. 1993). To ensure timely and proper disposition of the cause in this Court, we DIRECT appellees to file a status report upon disposition of the action in federal court. We again ABATE the appeal. See 28 U.S.C.A. § 1446(d).*" Please ref. Order attached **EXHIBIT ORDER 03.14.2023** (pgs. 7-8).

Honorable Justices, the aforementioned Orders will further manifest injustice without clarification from the Highest Court of Justice, The Supreme Court of the United States. Petitioner filed Notice of removal (DC-21-06299) on July 22, 2022 citing Federal Violations for denied due process of law. Appellant's two sealed envelopes with exhibits was lost/misplaced/removed/stolen in 2021 from trial Court 101<sup>st</sup> Dallas County Judicial District Court. These lost/misplaced/removed/stolen Sealed exhibits were in part reduplicated by the U.S. District Court of Northern Texas Dallas Division Feb. 2022. Appellant went to every single imaging/radiology/hospital required to have the remaining

lost/misplaced/removed/stolen exhibits reduplicated. These sealed envelopes of exhibits included 911 calls, body cam, dash cam, FBI files, medical imaging on multiple CDS, medical reports explaining the medical imaging on CD, and original pictures from 1998.

The exhibits prove, irrefutably, petitioner has never ever been frivolous in any Court of law. This is true from the lowest Court to the Highest Said Court.

Petitioner reads that an application for extension of time, other than to file a writ of certiorari, should be written to the Clerk. Petitioner is *in forma pauper* and does not have the monies to print innumerable pages. Please accept this application and motion to proceed IFP in compliance with any/all applicable rules of said Court, and any/all Statutes and Codes. In support of this application, petitioner shows the following

Petitioner asks for Honorable Justices to read the docket sheet, 23-10009, *Phillips v. TDI-DWC, et al.*, ref. **EXHIBIT 23-10009 DOCKET**, (pgs. 1-5). Some of the filings/docket numbers are not known to appellant. Petitioner received courtesy copy of many documents that were not able to be accessed. It was not in error of appellant's laptop or computer that was being utilized. Appellant would receive an error message stating appellant should contact pacer to view the documents.

Petitioner cannot reference motions, support, exhibits, evidence for Said Court to confirm (or not) if appellant Court Order issues are relevant and warrants remand. On the docket sheet, 23-10009, many entries do not appear. i.e.: Docket Entries 2, 3, 4, 7, 10, 11, 15, 17, 18, 21, 23, 26, 27, 28, 32, 33, 34, 35, 38, 39, 40, 41, 43, 44, 45, 47, 48, 49, 52, 53, 54, 55, 56, 58, 59, 60, 62, 63, 64, 65, 66, 67, and 68. This docket sheet was sent to petitioner via email from the U.S. Court of Appeals for the Fifth Circuit on 06.15.2023.

Honorable Justices, how can brief/writ be filed in great faith without the original record (DC-21-06299), Court Reporter's Records/transcripts, exhibits lists, physically inspecting exhibits, etc. Petitioner does not know the document numbers and the title of any of the documents not listed on the docket sheet, 23-10009.

Petitioner does not know, without the court stamped copies of

pleadings/filings/motions if these filings were received by the Court as petitioner sent the filings to the Court.

On Appeal, Clerks Orders and Justices Orders highlighted in pink, on the docket sheet [ref. **EXHIBIT 23-10009 DOCKET** (pgs. 1-5) and listed as:

1. **Dkt. 36: COURT ORDER** denying Motion for reconsideration filed by Appellant Ms. Deloris Phillips [30]; denying Motion to suspend briefing notice filed by Appellant Ms. Deloris Phillips [30] [23-10009] (LEF) [Entered: 05/03/2023 01:15 PM];
2. **Dkt. 46: CLERK ORDER** granting in part Motion to extend time to file appellant's brief filed by Appellant Ms. Deloris Phillips [42] A/Pet's Brief deadline updated to 06/14/2023 for Appellant Deloris Phillips [23-10009] (LEF) [Entered: 05/17/2023 01:16 PM];
3. **Dkt. 50: COURT ORDER** denying Motion to stay further proceedings in this court filed by Appellant Ms. Deloris Phillips [37]; denying Motion to transfer appeal to the United States Court of Appeals for the Fourth Circuit filed by Appellant Ms. Deloris Phillips [37] [23-10009] (LEF) [Entered: 05/22/2023 02:23 PM];
4. **Dkt. 61: CLERK ORDER** denying Motion for leave for pro se to file electronically filed by Appellant Ms. Deloris Phillips [57] [23-10009] (LEF) [Entered: 05/30/2023 10:30 AM];
5. **Dkt. 69: COURT ORDER** denying Motion for reconsideration filed by Appellant Ms. Deloris Phillips [51]; denying Motion to extend time to file appellant's brief filed by Appellant Ms. Deloris Phillips [51]; denying Motion to appoint counsel filed by Appellant Ms. Deloris Phillips [51]; denying Motion for appointment of Pre-Trial Master, Emergency Hearing, Oral Argument, Reversal and Remand with Instructions for Due Process with Trial-by-Jury and Court Reporter to Preserve Record filed by Appellant Ms. Deloris Phillips [51] [23-10009] (LEF) [Entered: 06/14/2023 03:56 PM]; and
6. Any/all other Orders not visible on docket sheet.

Honorable Justices, petitioner does not have the monies to print all the Orders. Petitioner understand 28 U.S.C. §1915 speak of both plaintiffs and defendants. Petitioner as a plaintiff/appellant reiterates 18 U.S.C. §1621, 28 U.S.C. §1746, and 28 U.S.C. §1915. Petitioner seeks remand for hearing on motion to appoint counsel and motion to appoint pore-trial master. Petitioner has been unjustly labeled *frivolous & vexatious*, without one hearing on the merits. Petitioner has followed the Courts instructions, with motions for leave to file and motions for hearings on the merits for leave to file, all denied. The Honorable Court and Judges of the U.S. D.C. of the Northern Texas Dallas Division has never once granted petitioner one hearing. Petitioner reiterates the importance of *Robert Groden v. City of Dallas, et al.* [DC-06-12501 (Personal Injury)] ref. **EXHIBIT 1-A**, pgs. 1-4, *Robert Groden v. City of Dallas, et al.* [3:10-CV-1280 (Constitutional Rights Violations)] ref. docket sheet **EXHIBIT 1-B**, pgs. 1-27, *Robert Groden v. The Dallas County Historical Museum, et al.* [DC-14-01521(Civil Rights Violations)], and *Groden v. City of Dallas, et al.* Reversed, Remand, and Judgment 15-10073 (3:10-CV-1280), ref. **EXHIBIT 1-C**, pgs. 1-10, Judgment **EXHIBIT 1-D**, PGS. 1-2. Groden prevailed in each case.

Petitioner read Groden's Dallas Observer Article in 2020. Groden proved in the Court of Law, under sworn oath, he was battled, methodically, by Dallas as municipality, with vengeful retaliation.

Petitioner asks Court to read, *Notice of Assignment of Visiting Judge*, ref. **EXHIBIT NOTICE OF ASSIGNMENT**. There was an agreement that Honorable Senior Justice Carolyn Wright was assigned to all matters pending before the 101<sup>st</sup> Judicial District Court beginning 10.18.2022-thru-10.21.2022. Honorable Judge Staci Williams was subpoenaed to testify on Oct. 21, 2022, to her knowledge of the missing/lost/misplaced/stolen exhibits. Honorable Williams would also testify to her knowledge of her civil complaint, *Staci Williams v. The City of Dallas Texas* 3:11-CV-0397. The 101<sup>st</sup> Court Reporter, Terri Eteokochay was subpoenaed to testify on this same day, Oct. 21, 2022 to her knowledge of the missing/lost/misplaced/stolen

exhibits in the two sealed envelopes. There were others scheduled to testify. No one showed. On petitioner's hearing date, Oct. 21, 2022, to hear multiple motions, The Judicial Court of 101<sup>st</sup> Dallas County was locked with no one showing.

A hearing was rescheduled for March 20, 2023 101<sup>st</sup> Court (DC-21-06299).

Petitioner was reminded by Honorable Judge Williams, in 101<sup>st</sup> Court, on this same day, Mar. 20, 2023, there would be no hearing because there was a notice removal to the U.S. D. C. of Northern Texas Dallas Division, 3:22-CV-01598. Ref. **EXHIBIT HEARINGS DC-21-06299** pgs. 1-2.

Honorable Justices, these are extraordinary circumstances, uncontrollable to petitioner. The writ of mandamus regarding supplementing record (DC-21-06299) requires your guidance, leadership, reversal, and remand to avoid persisting manifestation injustice. This is a valid petition, appealed originally from the Texas Department of Insurance-Division of Worker's Compensation May 2021. The petition DC-21-06299 involves the Subsequent Injury Fund (SIF), Texas Administrative Code Title 28. Part 2. CH. 116. Petitioner was told by TDI-DWC that it would have to be settled who is responsible for the 02.13.1998 injury at Fleming DMG. Petitioner was employed in 2002 after the 1998 injury. Per TDI-DWC SIF, The Subsequent Injury Fund was created on a state-by-state basis after World War II to encourage the hiring of injured veterans by providing lifetime income benefits (LIBs) to employees with pre-existing injuries. Today, the fund continues to help encourage employers to hire employees with pre-existing conditions, by reducing the liability employers face should the employee receive a new injury while at work that would entitle them to LIBS. The SIF has also expanded to include reimbursement of over paid, unrecoupable, workers' compensation benefits under specific circumstances prescribed by SIF statute. ESIS/Bankers Standard last agreed to a tens unit for petitioner in 2021. Petitioner exhausted all remedies, pleading with TDI-DWC to dually file complaints with the State Office of Administrative Hearings, but petitioner/claimant was denied.

Petitioner alleges the exhibits lost/removed/misplaced/stolen from the Court proves this is a valid claim and the CD images and reports proves, factually indisputably, there is correlation from then to now, the non-operator's error of the malfunctioning forklift, caused extension and permanent damages. The appeal, 23-10009 requires supplementing, originating petition (DC-21-06299) records, to reference objections of records, bill of exceptions, testimony of opposing parties/attorneys, list of exhibits, errors in judgments, etc. Petitioner's motion to supplement record on appeal was denied. Petitioner filed notice of removal citing Federal Violations. There were hearings that were cancelled and never rescheduled. Honorable Chief Justice Bonnie Goldstein writes in her Order, 05-22-00859-CV (03.14.2023), **EXHIBIT ORDER 03.14.2023**, pg. 2, "We also note that any Orders entered by the trial court while the action is in the Federal Court are void. *See Maryland Co. v. F.D.I.C.*, 848 S.W.d.2d 82, 83 (Texas.1993)".

Honorable Justices, Petitioner's original action, DC-21-06299, involves joint and several liabilities; compensable injuries; past, present, and ongoing, premeditated, wanton, and malicious psychological anguish and emotional trauma; determined body parts (internal & external) injured 02.13.1998; SIF. TAC Title 28., Part 2. §116.2; vested 3<sup>rd</sup> party beneficiary determination; conspiracy to interfere with rights; establish reimbursement for any/all employers after 02.13.1998 Fleming injury per Texas Administrative Code. Title 28. Pat. 2. Ch. 116. Rule §116.12; settlement mediation of back pay, front pay, vested 3<sup>rd</sup> party beneficiary determination, punitive damages, special damages, and to resolve any/all other issues spoken and written by opposing parties. Per Honorable Justice Goldstein's Orders (10.24.2022 & 03.14.2023) all Order rendered by trial Court on/after 07.22.2022 are moot. Robert Groden prevailed (DC-06-12501, 3:10-CV-1280, DC-14-01521, and 15-10073) by due process---perfect impartiality---Justice. Honorable Justices, the incident involving Petitioner at Fleming (02.13.1998) could not be reenacted without severe injury or death occurring. This was a crush injury of petitioner being forced by uncontrollable, stand-up forklift, going in reverse and



forcing petitioner under stationary metal rack and over the controllers of the stand-up forklift, while still standing and being crushed simultaneously. These are irrefutable facts. This caused blunt force trauma, externally and internally. There was an ambulance who transported petitioner directly from the workplace of Fleming to Parkland Hospital. When the ambulance arrived, petitioner was on the floor screaming, "My stomach is burning". Petitioner arrived at the hospital unable to urinate and constipation that persists to this very day. This too is indisputable fact. Petitioner was hospitalized for three days with a large, visible hematoma of the lumbar, back pain, and extreme weakness of the right side that never ever recouped. This hematoma had to be drained continuously over the years. The hematoma remains as solidified scar tissue and/or calcified scar tissue, in the form of a lipoma from the trauma of the layers of skin broken and traumatized by the crush injury. This too is documented in the sealed exhibits removed from 101<sup>st</sup> Court of Dallas County. The sealed exhibits are not missing for the Court to protect petitioner.

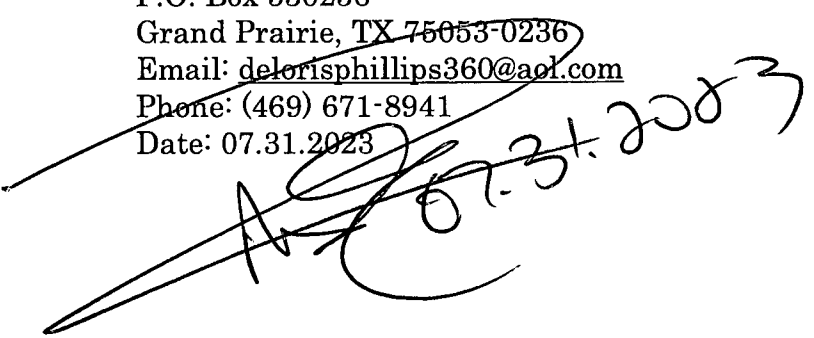
Honorable Justices, on Oct. 21, 2022, a key witness was subpoenaed to 101<sup>st</sup> Dallas County Judicial District Court, to recollect his witnessing of the incident on 02.13.1998. This key witness appeared and 101<sup>st</sup> Court was locked with TDI-DWC, Dallas County, and Raymond Counsel/Attorney's appearing and also witnessing the court being locked.

Honorable Justices, in the possession of the Social Security Administration (SSA) Office and Medicare are medical records that correlate present injuries to have been sustained on 02.13.1998. SSA will not release medical records and this has been true for over 5-7 years, possibly longer. Petitioner further alleges being subjected to prosecutory retaliation as a plaintiff/appellant/petitioner speaking of these past, present, and ongoing. Petitioner's alleged retaliation is a matter in appeal 23-10512, Texas HHSC Convening Appeal 3656352 (Teleconference Hearing 07.11.2023), and Appeal of Texas Office of the Attorney General decision denying public information on June 29, 2023. The appeal was filed 07.06.2023, electronically, EfileTexas.Gov

Envelope 77164417 in the Dallas County District Judicial Court. The filing was returned by the Court on 07/07/2023. This writ of mandamus was corrected and refiled by petitioner in the same envelope Dallas County District Court on July 07, 2023, Efile.Texas.Gov as Envelope No. 77164417 (07.07.2023). Petitioner submits motion to stay now, without any motion or hearing being granted to stay proceedings in lower Courts. All petitioner's motion to stay were denied and no motions for leave to file were granted, with motions for hearing on merits attached. Petitioner humbly prays the application for a sixty-day extension to file writ of certiorari and writ of mandamus is granted with due date of September 18, 2023. Petitioner motion for clarification of Honorable Justice Bonnie Goldstein's 10.24.2022 and 03.14.2023 Orders. Petitioner further motion to stay any/all proceedings of Courts of interest in this application, pending exhaustion of remedies and known as Courts of interest: 1) The trial Court Case, 101<sup>st</sup> Dallas County Judicial District Court (DC-21-06299); 2) The Court of Appeals Fifth District of Texas at Dallas, 05-22-00859-CV; 3) The U.S. District Court of Northern Texas Dallas Division (3:22-CV-01598) and 4) The U.S. Court of Appeals for the Fifth Circuit (23-10009).

Respectfully,

/s/ Ms. Deloris Phillips  
AIFP Pro SE Petitioner  
P.O. Box 530236  
Grand Prairie, TX ~~75053-0236~~  
Email: delorisphillips360@aol.com  
Phone: (469) 671-8941  
Date: 07.31.2023

A large, handwritten signature in black ink is written over the typed name and address. The signature is stylized and appears to be 'A. Phillips'. Below the signature, the date '07.31.2023' is handwritten in black ink.

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10009

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DELORIS PHILLIPS,

*Plaintiff—Appellant,*

*versus*

TEXAS DEPARTMENT OF INSURANCE, *Division of Workers  
Compensations Et al.,*

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:22-CV-1598

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CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of June 15, 2023,  
for want of prosecution. The appellant failed to timely file appellant's brief.



A True Copy  
Certified order issued Jun 15, 2023

*Styl W. Coyne*  
Clerk, U.S. Court of Appeals, Fifth Circuit

23-10009 CLERK'S ORDER 06.15.2023

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No. 23-10009

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Lisa E. Ferrara*

By: \_\_\_\_\_  
LISA E. FERRARA, *Deputy Clerk*

ENTERED AT THE DIRECTION OF THE COURT

23-10009 CLERK'S ORDER <sup>2</sup> 06.15.2023

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