

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

**IN THE SUPREME COURT OF THE UNITED STATES**

BENZO RUDNIKAS

Petitioner,

v.

NOVA SOUTHEASTERN UNIVERSITY, INC.

Respondent.

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

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

JULY 10, 2023

BENZO RUDNIKAS, *PRO SE*  
2431 SW 63rd Ave, Miami, FL 33155  
(305) 213-9889

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

Pursuant to Supreme Court Rules 13.5, 22, 30.2, and 30.3, Petitioner Benzo Rudnikas, *pro se*, (“Petitioner”) respectfully requests that the deadline to file his Petition for Writ of Certiorari in this matter be extended for (60) sixty days from the current deadline of July 19, 2023. This would make the extended deadline fall on or before September 17, 2023. This application is timely as it is being mailed via a third-party commercial carrier to the Supreme Court Clerk on the last day to file an application for extension of time as noted by the postmark/tracking number. Since the 10<sup>th</sup> day fell on July 9<sup>th</sup> 2023, a Sunday, the last day to file for an extension of time is today, July 10<sup>th</sup>, 2023.

### **BACKGROUND AND JURISDICTION**

Petitioner initiated the lawsuit below *pro se* on December 13, 2019 in the Southern District of Florida. Petitioner filed his interlocutory Notice of Appeal to the United States Court Of Appeals for the Eleventh Circuit on August 13, 2021. After full merit’s briefing and oral argument, the Merits Panel issued it’s opinion on December 27, 2022. A copy of the Appeal Panel’s Opinion is included in Petitioner’s Petition for Rehearing En Banc (attached hereto) which was also construed as a Petition for Rehearing before the Panel per Eleventh Circuit Local Rules. The Petition for Rehearing was denied by the Panel on April 20, 2023 making the deadline to file a Petition for Writ of Certiorari with the United States Supreme

Court on or before July 19, 2023. A copy of the Order is attached hereto. This Court has jurisdiction to review the judgment under 28 U.S.C. § 2101(c) and Petitioner has timely invoked this Court's jurisdiction to review the opinion under 28 U.S.C. § 2101(c).

### **REASONS FOR GRANTING EXTENSION OF TIME**

Petitioner respectfully and humbly requests a (60) sixty-day extension of time. As good cause, Petitioner respectfully states that he is requesting the extension of time because of his full time work schedule. Due to Petitioner's full time work schedule with a one hour commute, he can only work on the petition on the weekends. As such, Petitioner requests an additional sixty days as this would give Petitioner several more weekends to continue editing his Petition as he is proceeding pro se. Petitioner is confident he can finalize a Petition worthy of this Court's Review if he is given this extension of time.

Second, Petitioner respectfully requests the extension of time because he cannot pay the docketing fee at this time. Due to the fact that he was not able to recover costs back which Petitioner and his mother were desperately relying on, Petitioner has incurred significant financial hardship and cannot pay the docketing fee at this time. To keep it short, Petitioner took it out multiple loans to pay for the litigation and subsequent appeal. He has paid over \$30,000.000 in attorneys fees and close to another \$20,000.00 in costs for the appeal. As such, Petitioner was forced to take out personal loans, car loans, and payday loans in order to pay for the appeal that commenced in August 2021 when Petitioner filed the Notice of Appeal.

4

For the last two years, he was paying off the loans he took out for the appeal on a bi-weekly payment plan with each paycheck he received from his employer. This stopped recently and Petitioner has stopped paying most of his debts and/or requested deferments given that his Mother's business is slowing down. Since her business is slowing down, Plaintiff has had to assist her financially and has incurred the majority of household expenses. In addition, Petitioner is incurring moving expenses as he is moving in August due to an astronomical rent increase by his current landlord that he and his mother cannot pay. That said, Petitioner requests a sixty-day extension of the current July 19, 2023 deadline and Petitioner respectfully requests that he be required to pay the docketing fee when he files his Petition. Petitioner is filing a motion to temporarily proceed *in forma pauperis* in support of this motion along with the proof of service. Petitioner has conferred with Opposing Counsel for Respondent, Nova Southeastern University, Inc., who have stated that they oppose the extension of time.

#### CONCLUSION

Petitioner respectfully requests a sixty-day extension of time from the current deadline to file his Petition for Writ of Certiorari and to pay the docketing fee.

#### VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

  
Benzo Rudnikas

Executed on July 10, 2023