November 16, 2023
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DOCKET NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

(RE-SUBMITTED [1]) APPLICATION TO EXTEND TIME TO FILE

'PETITION FOR WRIT OF CERTIORARI'

IN RE: PETITION FOR CERTIORARI

In re Willis, No. 22-1133, 2023 WL 2300655 (3d Cir. Mar. 1, 2023)
Nos. 22-1133, 22-1644 & 22-1900 (cons.)

Ms. Leslie Willis, Petitioner, Pro Se

P.O. Box 1153, [2] Bowie, MD

Maryland 20718

lwillis222@Yahoo.com

No. Tele # Avail.

Notice to:

Jordan M. Webster, Esq. (Pa. 200715);

Buchanan Ingersoll & Rooney, PC,

For: PNC Bank, N.A. and

The PNC Financial Services Group, Inc.,

501 Grant Street, Suite 200, Pittsburgh, PA 15219-4413,

jordan.webster@bipc.com, 412 392 1667 (office); 412 977 4628 (cell)

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[1] **See: Letter, dated November 14, 2023, from the Clerk.**

[2] **NOTICE: Petitioner's last legal address. Petitioner is domiciled in Maryland. However, at this time, Petitioner is in Pittsburgh, PA. Petitioner will not receive any correspondence at the Maryland address (which is no longer active). EMAIL is Petitioner's primary means of communication. Petitioner requests all Court correspondence via email.**

November 16, 2023
1:57 PM

TABLE OF CONTENTS

November 16, 2023
1:57 PM

TABLE OF CITATIONS

STATUTES

RULES

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[3] U.S. Sup. Ct. R. 12(4) – "...When two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices..."

[4] An application shall be addressed to the Justice allotted to the Circuit from which the case arises. An application arising from the United States Court of Appeals for the Armed Forces shall be addressed to the Chief Justice. When the Circuit Justice is unavailable for any reason, the application addressed to that Justice will be distributed to the Justice then available who is next junior to the Circuit Justice; the turn of the Chief Justice follows that of the most junior Justice.

November 16, 2023
1:57 PM

To the **Honorable Samuel A. Alito, Jr., Associate Justice** of the Supreme Court of the United States: [5]

Pursuant to Sup.Ct.R. 13.5, [6] Sup. Ct. R. 22, and Sup. Ct. R. 12(4), Petitioner, Ms. Leslie Willis (CA3 Appellant), proceeding pro se and in forma pauperis *(non-prisoner)* in the Court of Appeals for the Third Circuit ("CA3"), requests an extension of time to file a '**Petition for Writ of Certiorari**,' ("Petition" or "Petition for Certiorari") in this Court. The Supreme Court has jurisdiction to hear the Petition for Certiorari pursuant to 28 U.S. Code § 1254, in accordance with Sup.Ct.R. 10(a) in accordance with Fed.R. App.P Rule 21. The Supreme Court's power to issue a Writ of Mandamus may overlap its authority to grant a Writ of Certiorari when the Court is acting in a **supervisory capacity** (Moore's Federal Practice §510.24(1)(b), p. 510-23) (*Hollingsworth v. Perry*, 558

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[5] Pursuant to 28 U.S.C.A. § 42, in accordance with Sup.Ct.R. 22.3, please see: **Petitions previously filed by Petitioner, Leslie Willis, at Sup. Ct. Docket # 21-5832 and Docket # 21-5833 re: "Justice Alito took no part in the consideration or decision of this petition.**" *If appropriate*, please forward this 'Application to Extend Time' to the **next Junior Justice, the Honorable Justice Sonia Sotomayor, Associate Justice of the Supreme Court.**

[6] Pursuant to Sup. Ct. R. 13.5 and Sup. Ct. R. 22, a Supreme Court Justice may extend the time for filing a Petition for Writ of Certiorari.

U.S. 183, 190–91, 130 S. Ct. 705, 710, 175 L. Ed. 2d 657 (2010)). The Supreme Court has Supervisory Jurisdiction over Courts of Appeals. (U.S. Sup. Ct. R. 10 (a)).

RULE 12(4) AS TO JUDGMENT ORDERS AND OPINIONS COMBINED INTO ONE PETITION FOR CERTIORAI

Supreme Court **Rule 12(4)**, states that, "When two or more judgments are sought to be reviewed on a writ of certiorari to the same court and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices." Here, Petitioner intends to file a Petition for Writ of Certiorari **to the Court of Appeals for the Third Circuit**, from the Judgment Orders entered in the Appeal[7] **In Re: Petition of Leslie Willis To Perpetuate Evidence Pertaining To 'The Trust for Annie Pearl (White) Willis,'** at CA3 Docket # 22-1133, # 22-1644, and # 22-1900, *consolidated*[8] ***(3-1-2023 ECF No. 127-1 Judgment Order; and 3-1-2023 Opinion ECF No. 126; and 3-1-2023 ECF No. 125, Disqualification of Panel Judge(s) Denied; 8-21-2023***

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[7] Appeal from the United States District Court for the Western District of Pennsylvania, Civil Action No. **2:20-CV-01833**-DSC-LPL (The Hon. District Judge David S. Cercone).

[8] "Docket # 22-1133"

November 16, 2023
1:57 PM

ECF No. 152 Rehearing denied; 8-31-2023 ECF No. 157-3 Mandate issued prior to 7-days) (ECF No. 157-1 and ECF No. 157-2 (?)) ***(Appendix A)***; ***AND*** from the Judgment Orders for the Appeal[9] **In Re: Petition (and Second Petition) of Leslie Willis To Perpetuate from Dolores Willis Evidence (Trust Documents) Pertaining To 'The Trust for Annie Pearl (White) Willis,'** entered at CA3 Docket # 22-2048 and Docket # 22-2049, *consolidated ("Docket # 22-2048," collectively)****(4-6-2023 ECF No. 45-1, Judgment Order; 10-4-2023 ECF No. 72, Rehearing; ECF No. 85-1 Judgment Order re-entered 4-6-2023 and ECF No. 85-2 Opinion re-entered on 4-6-2023; ECF No. 84 Denying Stay of Mandate; ECF No. 85-3 Mandate)*** ***(Appendix B)*** (all collectively, "Judgment Orders") (The Appeals at CA3 Docket # 22-2048 and Docket # 22-2049 are **UNOPPOSED**). **Petitioner also intends to file a 28 U.S. Code § 1651 Petition for Writ of Mandamus directed to PNC Bank, N.A. and the PNC Financial Services Group, Inc.**[10] *At CA3 Docket # 22-2048,*

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[9] Appeal from the United States District Court for the Western District of Pennsylvania, Civil Action No. **2:22-CV-00570**-DSC and **2:22-CV-00588**-DSC (The Hon. District Judge David S. Cercone).

[10] Pursuant to 28 U.S.C.A. § 1651 (b) - An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction. (i.e. writ to a corporation or to an individual). **PNC is Respondent at CA3 Docket # 22-1133**.

November 16, 2023
1:57 PM

*the Judgment Order (ECF No. 45-1) and Opinion (**ECF No. 44**) are based upon the Judgment Order (**ECF No. 127-1**) and Opinion (**ECF No. 126**) at CA3 Docket # 22-1133 (**See: Docket # 22-2048, Opinion, ECF No. 44, p. 3**)* Hence, the Judgments sought to be reviewed on writ of certiorari and/or writ of mandamus are, *primarily*, to the same Court, the Court of Appeals for the Third Circuit.[11] Also, the questions that Petitioner intends to present in a *combined* Petition for Certiorari are the same or closely related questions as in each of the Petitions for Certiorari. However, the Appeals at CA3 Docket # 22-2048 and # 22-2049 *consolidated*, which are **UNOPPOSED**, were pending a CA3 Decision for *seven (7) months* between Petitioner's Response (ECF No.

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[11] Pursuant to 28 U.S. Code § 1254, writ of certiorari and **28 U.S. Code § 1651**, writ of mandamus, and where a question of public importance is involved, or where the question is of such a nature that it is peculiarly appropriate, the Supreme Court may also direct a writ of mandamus to the **District Court** for the Western District of Pennsylvania (i.e. as to Docket # 20-1833, District Judge Memorandum, **ECF No. 189 and ECF No. 178,** Affirming Magistrate Judge's denial of a Motion for Disqualification. (This Court will issue the writ of mandamus directly to a federal district court "only where a question of public importance is involved, or where the question is of such a nature that it is peculiarly appropriate that such action by this court should be taken." *Hollingsworth v. Perry*, 558 U.S. 183, 190, 130 S. Ct. 705, 710, 175 L. Ed. 2d 657 (2010))

27) filed August 17, 20*22* and the April 6, 20*23* entry of Judgment Order (ECF No. 45-1) (See **Appendix C**: 3d Cir. I.O.P. 5.5.3, 'Time Schedule for Panel Drafting and Circulating Opinions; Reassignments.' Generally, the CA3 reviews an Appeal within 60 days, and an additional 45 days for concurring or dissenting opinions (i.e. within 3 to 4 months). Here, the Opinion was unanimous and both the 'Petition' and 'Rehearing Petition' ("Petitions") were *unopposed*. **The Appeals at CA3 Docket # 22-2048 and # 22-2049 *consolidated* were, apparently, delayed by the Clerk and/or the Court**, and were pending[12] a CA3 decision during the pendency of time to file a Petition for Writ of Certiorari at CA3 Docket # 22-1133, # 22-1644, and # 22-1900, *consolidated* ("CA3 Docket # 22-1133"), such that the time for filing a Petition for Writ of Certiorari for Dkt # 22-1133 has largely expired, given a November 21, 2023 due date (per August 21, 2023 Judgment Order ECF No. 152, entered, denying Petition for Rehearing). The due date for a Petition for Certiorari at CA3 *Dkt # 22-2048 is January 4,*

[12] At Docket # 22-22048, unopposed, a CA3 decision on the Petition for Rehearing was pending for three (3) months between Petitioner's June 14, 2023 CA3 Petition for Rehearing and the October 4, 2023 CA3 Judgment Order (ECF No. 72) denying Rehearing.

November 16, 2023
1:57 PM

2024 (per October 4, 2023 Judgment Order ECF No. 72, entered, denying Petition for Rehearing). Therefore, the time to file one of the petitions for certiorari (i.e. at CA3 Docket # 22-1133) will expire prior to the other petition for certiorari (i.e. at CA3 Docket # 22-2048). Thus, an extension of time is needed in order to file a combined Petition for Certiorari in accordance with Sup.Ct.R. 12(4).

QUESTIONS THAT WILL BE PRESENTED[13]

The questions that Petitioner intends to present, in a combined 'Petition for writ of Certiorari' are important questions concerning federal due process rights, where there is an appearance of partiality in the federal Court judicial proceedings, (including where the Honorable President Joseph R. Biden, Jr. has, apparently, intervened in the appellate Court proceedings; where the Appellant is a private citizen; and as an adversary against the Appellant's Court Actions, in support of a highly political and highly controversial subject matter, LBGTQ rights (e.g. President Biden's LBGTQ rights social-political agenda[14])).

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[13] This document is **not** a Petition for Certiorari.

[14] On June 15, 2022, President Biden signed an 'Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals'

November 16, 2023
1:57 PM

The questions to be presented are as to whether a Panel Judge(s) in the Court of Appeals for the Third Circuit, and a District Judge(s) and Magistrate Judge(s) in the District Court for the Western District of Pennsylvania, violated federal due process rights in refusing to Disqualify or Recuse pursuant to 28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge; and/or 28 U.S. Code § 144 - Bias or prejudice of judge; whether the Court of Appeals Panel and/or En Banc Court Judges sanctioned judicial misconduct and a pervasive bias, prejudice, and antagonism in affirming a District Judge and Magistrate Judge refusal to Disqualify/Recuse; and whether a District Judge sanctioned a Magistrate Judge refusal to Disqualify. The questions to be presented also involve whether judicial officials thwarted, or tended to thwart, appellate review as to fraud, a statute of limitations, aiding and abetting breach of fiduciary duty, and the perpetuation of evidence (i.e. Trust documents). ***These issues may be decided by this Court as a***

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https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/; and on December 13, 2022, President Biden signed the "Respect for Marriage Act" (H.R.8404) https://www.congress.gov/117/plaws/publ228/PLAW-117publ228.pdf

matter of principle. At risk are the Petitioner's (Appellant's) due process right to an impartial tribunal. Also, at risk is the integrity of the federal system as well as the public's confidence. ("The Court's interest in ensuring compliance with ... judicial administration is particularly acute when ... relate to the integrity of judicial processes." *Hollingsworth v. Perry*, 558 U.S. 183, 196, 130 S. Ct. 705, 713, 175 L. Ed. 2d 657 (2010); ("The very purpose of § 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible.") *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865, 108 S. Ct. 2194, 2205, 100 L. Ed. 2d 855 (1988))). Furthermore, a question that will be presented is whether the Court of Appeals for the Third Circuit ("CA3") and the District Court for the Western District of Pennsylvania ("District Court") has duty to adjudicate (and abuses a discretion in refusing to adjudicate) the ***precise question*** in a Fed. R. Civ. P. Rule 27(a) Petition to Perpetuate Evidence, as to whether the Evidence (e.g. Trust documents) is ***concealed***, where the Fed. R. Civ. P. Rule 27(a) Petition to Perpetuate Evidence only provides for a cause of action as to evidence lost, stolen, or destroyed.

November 16, 2023
1:57 PM

CA3 MOTIONS

Additionally, the Appeals also involve Petitioner's (Appellant's) **CLEAR AND INDISPUTABLE RIGHT**,[15] as an heir, legacy, beneficiary, and devisee under the Will and the Estate of Annie Pearl (White) Willis, to a determination of rights to the 'The Trust for Annie Pearl (White) Willis.' The Trust documents (i.e. Safe Deposit Records, including Trust Instrument and Beneficiary Designation) are integral to a determination of rights to the Trust. Therefore, Petitioner has a right to the Trust documents of the Trust). This right was denied in the Fed. R. App.P 27(a) Petitions to perpetuate evidence, the Trust documents, including a denial **with prejudice** (i.e. Judgment Order CA3 Docket # 22-1133 affirming a Rule 12(b)(6) Motion to Dismiss, ECF No. 127-1).

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[15] **28 U.S.C. 2201 (a)** – Creation of Remedy, in a case of actual controversy within its jurisdiction, ... any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought..." *AND* pursuant to **42 Pa. C. S. A. § 7533** - Construction of documents - Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise, and obtain a declaration of rights, status, or other legal relations thereunder.

November 16, 2023
1:57 PM

Hence, in the Court of Appeals for the Third Circuit (CA3), Petitioner intends to file a Motion to Recall the Mandate at CA3 Docket # 22-1133, ***and*** CA3 Docket # 22-2048, ***and*** a Petition for Writ of Mandamus for disclosure of the Trust documents (Safe Deposit Records, including Trust Instrument and Beneficiary Designation) of **'The Trust for Annie Pearl (White) Willis,'**[16] to ensure that a writ of Mandamus request for relief ***in this Court*** would be **ripe for review ("Before a writ of mandamus may issue, a party must establish that** (1) "no other adequate means [exist] to attain the relief [she] desires,..."" (emphasis added) ***Hollingsworth v. Perry***, 558 U.S. 183, 190, 130 S. Ct. 705, 710, 175 L. Ed. 2d 657 (2010)). An extension of time to file the Petition for Certiorari would allow Petitioner to seek disclosure of the Trust documents ***in a Motion/Petition for Writ of Mandamus***,[17] and would

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[16] Ultimately, Petitioner intends to file a Motion/Petition to Recall the Mandate at CA3 Docket # 19-2094, seeking a Declaration of Rights to the **'Trust for Annie Pearl (White) Willis,'** and a Declaration of Rights to the subject matter real estate property interest, located in Allegheny County, Pennsylvania, at 267 William Street, Pittsburgh, PA. 15203 (Blk-Lot-Parcel ID # 4-H-229 and 4-H-230); and/or Petitioner intends to file a Petition to Reopen a Section 1983 Action (CA3 Docket # 19-2094).

[17] In the Court of Appeals (CA3), Petitioner sought a mandate for disclosure of the Trust documents, though, as a request for relief ***in the Rule 27(a) Petitions***.

allow the Court of Appeals for the Third Circuit to decide the issue as to disclosure of the Trust documents *in a Writ of Mandamus* pleading, prior to a Petition for writ of mandamus in this Court.

NO ACCESS TO FEDERAL LAW LIBRARY

Petitioner, currently, does not have access to a Federal Law Library to engage in legal research to prepare legal documents to file in this Court. PNC attorneys and the Court of Appeals, presumably, have *unrestricted* access to federal law library resources. Currently, Petitioner only has access to a local county law library and a public library, with restricted legal research resources.

RESPONDENT NOT PREJUDICED

An extension of time to file the 'Petition for Writ of Certiorari and Writ of Mandamus' will not cause prejudice to Respondents, PNC Bank, N.A. and the PNC Financial Services Group, Inc. ("PNC") at CA3 Docket # 22-1133, as, due to the timing of the initial November 21, 2023 due date for the Petition for Certiorari at CA3 Docket # 22-1133 (and the December 2023 holidays), this Court would likely hold a Conference and issue its Opinion in the *February* 2024 Term for the Petition

regardless of whether an extension of time is granted *for 30 days*. Also, PNC would not be prejudiced if an extension of time is granted *for 60 days*, where the Court of Appeals would have a full opportunity to decide the issue as to disclosure of the Trust documents, held by PNC, *prior to* a Petition for Certiorari proceedings in this Court, *or without a necessity of such proceeding in this Court* (Even if the *Motion/Petition for Writ of Mandamus* is denied in the Court of Appeals, PNC would have an opportunity, *for three months rather than 30 days*, to prepare a response to the Petition for Certiorari, upon notice of this Application to Extend Time, as to the questions that will be presented, which were also raised in the Court of Appeals). Additionally, this Court may take judicial notice[18] that, for the First time, *on Appeal,* in the Court of Appeals, PNC filed a response to a Motion for Disqualification of the District Court Magistrate Judge (**CA3 Docket # 22-1133, ECF No. 103-1**) without a response in the District Court. In the Court of Appeals,

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[18] "A court may take judicial notice of "a fact that is not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Generally, *Feingold v. Graff*, 516 F. App'x 223, 225 (3d Cir. 2013)

November 16, 2023
1:57 PM

PNC did not respond to the Motion for Disqualification of a Panel Judge (s) (**CA3 Docket # 22-1133, ECF No. 123**). Also, PNC did not respond to a previous Petition, filed in this Court, for Writ of Mandamus directed to PNC (See: S. Ct. Docket # 21-5833). The Appeals at CA3 Docket # 22-2048 are **Unopposed**, therefore another party is not prejudiced.

CONCLUSION

Wherefore, Petitioner, Leslie Willis, respectfully, requests an **EXTENSION OF TIME at CA3 Docket # 22-1133, # 22-1644, and Docket # 22-1900, consolidated for 60 days until January 21, 2024** in accordance with Sup. Ct. R. 12(4). (Please see also: 'Application for Extension of Time' for CA3 Docket # 22-2048 and Docket # 22-2049, consolidated, simultaneously filed in this Court with this document).

Respectfully submitted,

Leslie Willis

Leslie Willis, Petitioner, Pro Se Date: November 16, 2023

November 16, 2023
1:57 PM

STATEMENT OF GOOD FAITH

I, HEREBY, CERTIFY that I, Leslie Willis, file this '**Application to Extend Time to File Petition for Writ of Certiorari**' in good faith, and not for delay.

Respectfully,

/s/Leslie Willis, Appellant (Pro Se)

Send Service/Notice/Corro to:

lwillis222@yahoo.com

(No Telephone # Available);

CM/ECF (Registered)

November 16·2023
1:57 PM

DECLARATION AS HEIR

I, Leslie Willis, am an Heir, Legacy, Beneficiary, and Devisee under the will and of the Estate of Annie Pearl Willis.[1]

I, Leslie Willis, Declare, Certify, Verify, and State, under penalty of perjury, in accordance with 28 U.S.C.A. § 1746. Unsworn declarations under penalty of perjury, that the foregoing is true and correct.

Leslie Willis

Signature: /s/ Leslie Willis

Date: November 17, 2023

[1] Also, Annie Pearl (White) Willis; or Annie P. Willis.