No. _____

IN THE SUPREME COURT OF THE UNITED STATES

PETER KLEIDMAN

Petitioner,

vs.

COURT OF APPEAL, SECOND APPELLATE DISTRICT, et al.,

Respondents.

On Petition for Writ of Certiorari to the
Supreme Court of California

APPLICATION FOR AN EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI

Peter Kleidman, Petitioner, *pro se*
680 E. Main St., #506
Stamford CT 06901
Tel: (971) 217-7819 Fax: (971) 228-6000
Email: kleidman11@gmail.com

To the Honorable Justice Elena Kagan, Associate Justice of the Supreme Court, Circuit Justice for the State of California.

I, petitioner Peter Kleidman, *pro se*, hereby apply for a 60-day extension in which to file my petition for writ of certiorari, pursuant to Rule 13.5.

Basis for Jurisdiction. I maintain that the procedures and laws used in the California Courts of Appeal violated my US Constitutional rights to due process and equal protection under the laws. 28 USC §1257(a). The California courts did not address my equal protection and due process arguments. I will seek this Court's jurisdiction on the grounds that there is "'no doubt from the record that [the federal claim] was presented in the state courts and that those courts were apprised of the nature or substance of the federal claim.'" *Goeke v. Branch*, 514 US 115, 118 (1995).

Judgment sought to be reviewed: After the California Court of Appeal ruled against me, I filed a petition for discretionary review to the California Supreme Court. I also filed a motion to have the Court of Appeal's opinion published, which the Court of Appeal summarily denied. I sought review of this denial in the California Supreme Court, too.

On September 27, 2023, the California Supreme Court summarily denied both my petition for review of the Court of Appeal's opinion, and my request to have the Court of Appeal's opinion published. These summary denials are attached hereto. Accordingly, the deadline in which to petition for certiorari is December 26, 2023. However, for reasons set forth below, I cannot reasonably make this deadline with an optimal petition, and I therefore request a 60-day extension under Rule 13.5.

Parties for whom an extension is sought. An extension is sought only for petitioner Peter Kleidman.

Respondents. The respondents are the California Court of Appeal for the Second Appellate District ("DCA2"), Justice Elwood Lui, Administrative Presiding Justice ("APJ") of DCA2 (ex officio), and the California Court of Appeal for the Fourth Appellate District, Division One ("DCA4/1").

This case might be of interest to this Court. One of the questions is whether a state-court judicial system can legitimately adopt a rule which empowers its judicial officers to forbid their decisions from being cited by others. This issue was presented to this Court in *Browder v. Director, Dept. of Corrections of Ill.*, 434 US 257 (1978), but this Court left the question to "another day." *Id.*, at 258, n. 1. Maybe the Court is willing take on this question 45 years later.

As Your Honor is aware, I filed two unsuccessful petitions before. 22-557; 22-725. I am now more familiar with the process and am no longer starting from scratch. However, because my prior petitions failed, I need to spend substantial time developing a new approach. I am spending time not only on my own contentions, but also reading successful petitions to try to ascertain how best to present my questions. I am working pro se, without any help from an attorney.

As Your Honor is also aware from prior applications (22A277, at p. 4; 22A370, at p. 6), I had been dealing with family issues which were substantially impairing my ability to work on my litigation. In particular, I had been caring for two immediate family members who were incapable of caring for themselves. Since then, one of my family members, my mother, passed away in July, 2023. I

am now the sole executor of her estate and sole trustee of a trust that she had set up. These responsibilities as sole executor and trustee have taken up, and continue to take up, a significant amount of my time, impairing my ability to work efficiently on my litigation. I also continue to care for the other immediate family member who is incapable of caring for himself. This obligation, too, takes up a substantial amount of my time.

Moreover, as I mentioned in prior applications, I am involved in an extensively time-consuming case, *Kleidman v. RFF*. 22A277, at 4-5; 22A370, at 5-6. This case is multifaceted. Indeed, this petition is also related to *Kleidman v. RFF*, and I am now pursuing two federal cases also related thereto. One case is pending in the Northern District of California, the other is on appeal in the Ninth Circuit. This extensive litigation relating to *Kleidman v. RFF* further impairs my ability to make the December 26, 2023 deadline with an optimal petition.

Finally, I am working on another petition for certiorari unrelated to *Kleidman v. RFF*. This petition is also taking up significant time and I will soon be requesting an extension on my deadline regarding that petition, too.

Given my personal issues, the extensive litigation in which I am involved, and the fact that I am working alone pro se, I believe I have good cause for obtaining the 60-day extension.

Dated: November 16, 2022

Respectfully,

Peter Kleidman, petitioner, *pro se*
680 E. Main St., #506
Stamford CT 06901
Tel: 971 217 7819; kleidman11@gmail.com

Court of Appeal, Fourth Appellate District, Division One - No. D079855, D079856, D079933

S281040

IN THE SUPREME COURT OF CALIFORNIA

En Banc

PETER KLEIDMAN, Plaintiff and Appellant,

v.

COURT OF APPEAL, SECOND APPELLATE DISTRICT et al., Defendants and Respondents.

AND CONSOLIDATED CASES

The petition for review is denied.
The request for an order directing publication of the opinion is denied.

Guerrero, C.J., was recused and did not participate.

JENKINS
Acting Chief Justice

PROOF OF SERVICE

I, Peter Kleidman, declare as follows.

On November 16, 2023, pursuant to Rule 29, I served a copy of the Application for an Extension of Time to File Petition for Certiorari by mailing it to Mr. McCormick, counsel of record for the California Court of Appeal for the Second Appellate District and its Administrative Presiding Justice Elwood Lui, and by mailing it to the California Court of Appeal for the Fourth Appellate District, Division 1.. The documents were sent to these addresses.

Kevin M. McCormick
Lowthorp Richards
300 Esplanade Drive, Suite 850
Oxnard CA 93036

Court of Appeal
Fourth District, Division 1
750 B Street, Suite 300
San Diego, CA 92101

I served the document by presenting it on November 16, 2023, with satisfactory arrangement for payment made to the US Postal Service, for delivery with the Priority Mail service, so that the documents should arrive by Saturday or Monday (since mail is not delivered on Sunday).

I declare under penalty of perjury that the foregoing is true and correct. Execute this 16th day of November, 2023.

Peter Kleidman