

No. _____

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

KATHY ALLEN
Petitioner,

v.

STEVE ALLEN, ARTHUR ALLEN,
ANTHONY KLISH,

Respondents.

**Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
Supreme Court of the State of North Carolina**

APPLICATION TO THE HONORABLE CHIEF JUSTICE
JOHN ROBERTS AS CIRCUIT JUSTICE

Kathy Allen (pro se)
26 55th Street NE
Washington, DC 20019-6760
Tel: 202-399-6225
Allenk1101@comcast.net

November 27, 2023

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

*To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the
United States and Circuit Justice for the Fourth Circuit:*

Petitioner, Kathy Allen, pursuant to Rule 13.5 of the Rules of this Court, respectfully applies to this Court for an order extending the time in which to file her petition for writ of certiorari from November 28 2023, until January 27, 2024, a period of sixty (60) days. This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1257. In support of this Application, Petitioner states as follows:

Petitioner has filed a proceeding in North Carolina State Court to contest the validity of a will, in Case # 16-E-1390 (Wake County North Carolina).

Petitioner's case was ultimately dismissed by the lower court, and the Petitioner's appeal from this dismissal was dismissed by the North Carolina Court of Appeals (Order dated February 7, 2023, and attached as Exhibit 1 (22-276)) and further review was denied by the North Carolina Supreme Court (Order dated August 30, 2023, and attached as Exhibit 2 (84P23)). These appellate decisions provided no explanation or basis for dismissing Petitioner's appeal.

Petitioner's case raises important questions pertaining to her due process rights, including the right to be apprised of the basis for the courts' rulings.

Petitioner now seeks a writ of certiorari for the North Carolina Supreme Court and the North Carolina Court of appeals with respect to their decisions. This Court's jurisdiction to grant the same arises pursuant to 28 U.S.C. § 1257.

According to Supreme Court Rule 13.3, a petition for writ of certiorari is due on or before November 28, 2023, which is 90 days after the North Carolina Supreme Court denied review of this case. *See* Supreme Court Rule 13.3 (“the time to file the petition for a writ of certiorari . . . runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment”).

However, the time granted by Supreme Court Rule 13 will be insufficient to allow Petitioner to prepare her Petition, because the Petitioner is *pro se* and is attempting to work with this Court's rules pertaining to, *e.g.*, the formatting of a Petition for Writ of Certiorari to be filed with this Court.

Petitioner therefore seeks an extension of sixty (60) days in which to file her petition for a writ of certiorari. *See* Supreme Court Rule 13.5 (“[A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days”).

Pursuant to Supreme Court Rule 13.5, this Application should be submitted at least ten (10) days prior to the present due date. The Petitioner submits that extraordinary circumstances are presented in that she is *pro se* and is attempting to comply with this Court's formatting rules for her Petition for Writ of Certiorari.

Wherefore, in the interest of justice and for good cause shown, Petitioner respectfully requests that this Court extend the current November 28, 2023 deadline until January 27, 2024, or at least for thirty (30) days until December 28, 2023.

Respectfully submitted,



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IN THE SUPREME COURT OF THE UNITED STATES

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Petitioner,

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Respondents.

CERTIFICATE OF SERVICE

I, Kathy Allen, Petitioner in this matter, hereby certify that on this 27th day of November, 2023, I caused a copy of this Petition to be served by U.S. mail on the following persons:

Anthony Klish
7706 Six Forks Road Suite 101
Raleigh, NC 27615
Attorney for Arthur and Steve Allen

Mary Flager Allen
713 Usher Street
Durham, NC 27704

C. Jordan Godwin
HENSON & FUERST, P.A.
3110 Edwards Mill Rd., Ste. 210
Raleigh, N.C. 27612
Attorneys for Wake County Superior Court Guardian ad Litem

I further certify that all parties required to be served have been served.



Kathy R. Allen (pro se)
26 55th Street NE
Washington, DC 20019-6760
Allenk1101@comcast.net
Tel: 202-399-6225



Exhibit 1

North Carolina Court of Appeals

EUGENE H. SOAR, Clerk
Court of Appeals Building
One West Morgan Street
Raleigh, NC 27601
(919) 831-3600

Fax: (919) 831-3615
Web: <https://www.nccourts.gov>

Mailing Address:
P. O. Box 2779
Raleigh, NC 27602

From Wake
(16E1390)

Appellant's NCSC Exhibit 1 - Order Granting Appellees MTD Doc. #18

No. 22-276

KATHY ALLEN,
Caveator,

v.

ARTHUR ALLEN, STEVE R. ALLEN,
and ANTHONY A. KLISH

Propounders.

ORDER

The following order was entered:

The motion filed in this cause on the 15th of August 2022 and designated 'Motion to Dismiss Appeal' is allowed. Appeal dismissed. Appellant to pay costs.

And it is considered and adjudged further, that the Appellant, Kathy Allen, do pay the costs of the appeal in this Court incurred, to wit, the sum of Eighty Seven Dollars and 75/100 (\$87.75), and execution issue therefor.

By order of the Court this the 7th of February 2023.

WITNESS my hand and official seal this the 7th day of February 2023.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:

Ms. Kathy R. Allen, ForAllen, Kathy - (By Email)
Mr. Anthony A. Kish, Attorney at Law, ForKish, Anthony A., et al - (By Email)
Mr. C. Jordan Godwin, Attorney at Law, ForAllen, Steve R. - (By Email)
Ms. Mary Flagler Allen
Hon. Frank Blair Williams, Clerk of Superior Court



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From Wake
(16E1390)

Appellant's NCSC Exhibit 2 - Order Denying En Banc Mot Extension Doc. #39
No. 22-276

KATHY ALLEN,
Caveator,

v.

ARTHUR ALLEN, STEVE R. ALLEN,
and ANTHONY A. KLISH

Propounders.

ORDER

The following order was entered:

The motion filed in this cause on the 21st of February 2023 and designated 'Appellant's Motion to Extension to File En Banc Rehearing Motion to the February 7, 2023 Order Granting Defendant-Appellees' August 15, 2022 Motion to Dismiss (MTD)' is denied. This Court dismissed the appeal by order entered 7 February 2023. As a result of this dismissal, no opinion will be filed.

By order of the Court this the 23rd of February 2023.

WITNESS my hand and official seal this the 23rd day of February 2023.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:

Ms. Kathy R. Allen, For Allen, Kathy - (By Email)
Mr. Anthony A. Klish, Attorney at Law, For Klish, Anthony A., et al - (By Email)
Mr. C. Jordan Godwin, Attorney at Law, For Allen, Steve R. - (By Email)
Ms. Mary Flagler Allen
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North Carolina Court of Appeals

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From Wake
(16E1390)

Appellant's NCSC Exhibit 3 - Order Denying En Banc Motion Doc. #40

No. 22-276

KATHY ALLEN,
Caveator,

v.

ARTHUR ALLEN, STEVE R. ALLEN,
and ANTHONY A. KLISH

Propounders.

ORDER

The following order was entered:

The motion filed in this cause on 23 February 2023 and designated "Motion for En Banc Rehearing" is dismissed.

By order of the Court this the 3rd of March 2023.

WITNESS my hand and official seal this the 3rd day of March 2023.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:
Ms. Kathy R. Allen, ForAllen, Kathy - (By Email)
Mr. Anthony A. Klish, Attorney at Law, ForKlish, Anthony A., et al - (By Email)
Mr. C. Jordan Godwin, Attorney at Law, ForAllen, Steve R. - (By Email)
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North Carolina Court of Appeals

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From Wake
(16E1390)

Appellant's NCSC Exhibit 4 - Order Denying Amended En Banc Motion Doc. #41
No. 22-276

KATHY ALLEN,
Caveator,

v.

ARTHUR ALLEN, STEVE R. ALLEN,
and ANTHONY A. KLISH

Propounders.

ORDER

The following order was entered:

The motion filed in this cause on the 27th of February 2023 and designated 'Amended Motion for En Banc Rehearing' is dismissed.

By order of the Court this the 3rd of March 2023.

WITNESS my hand and official seal this the 3rd day of March 2023.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:
Ms. Kathy R. Allen, ForAllen, Kathy - (By Email)
Mr. Anthony A. Klish, Attorney at Law, ForKlish, Anthony A., et al - (By Email)
Mr. C. Jordan Godwin, Attorney at Law, ForAllen, Steve R. - (By Email)
Ms. Mary Flagler Allen
Hon. Frank Blair Williams, Clerk of Superior Court



North Carolina Court of Appeals

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Raleigh, NC 27602

From Wake
(16E1390)

Appellant's NCSC Exhibit 5 - Order Denying Motion to Stay Mandate Doc. #42
No. 22-276

KATHY ALLEN,
Caveator,

v.

ARTHUR ALLEN, STEVE R. ALLEN,
and ANTHONY A. KLISH

Propounders.

ORDER

The following order was entered:

The motion filed in this cause on the 27th of February 2023 and designated 'Motion to Stay Mandate' is dismissed.

By order of the Court this the 3rd of March 2023.

WITNESS my hand and official seal this the 3rd day of March 2023.

Eugene H. Soar
Clerk, North Carolina Court of Appeals

Copy to:
Ms. Kathy R. Allen, For Allen, Kathy - (By Email)
Mr. Anthony A. Klish, Attorney at Law, For Klish, Anthony A., et al - (By Email)
Mr. C. Jordan Godwin, Attorney at Law, For Allen, Steve R. - (By Email)
Ms. Mary Flagler Allen
Hon. Frank Blair Williams, Clerk of Superior Court

Supreme Court of North Carolina

KATHY ALLEN, Caveator

v

ARTHUR ALLEN, STEVE R. ALLEN, and ANTHONY A. KLISH, Propounders

From N.C. Court of Appeals
(22-276)
From Wake
(16E1390)

ORDER

Upon consideration of the notice of appeal from the North Carolina Court of Appeals, filed by Caveator on the 17th of March 2023 in this matter pursuant to G.S. 7A-30 (substantial constitutional question), the following order was entered and is hereby certified to the North Carolina Court of Appeals: the notice of appeal is

"Dismissed ex mero motu by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

Upon consideration of the petition filed on the 17th of March 2023 by Caveator in this matter for discretionary review of the decision of the North Carolina Court of Appeals pursuant to G.S. 7A-31, the following order was entered and is hereby certified to the North Carolina Court of Appeals:

"Dismissed by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

The following order has been entered on the Motion for Extension of Time to File Brief filed on the 11th of April 2023 by Caveator:

"Motion Dismissed by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

The following order has been entered on the motion filed on the 17th of April 2023 by Caveator to Supplement the Record:

"Motion Dismissed by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

The following order has been entered on the Motion for Extension of Time to File Brief filed on the 7th of June 2023 by Caveator:

"Motion Dismissed as moot by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

The following order has been entered on the motion filed on the 12th of July 2023 by Caveator for Immediate Arbitration:

"Motion Dismissed by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

The following order has been entered on the motion filed on the 17th of July 2023 by Caveator for Entry of Default:

"Motion Dismissed by order of the Court in conference, this the 30th of August 2023."

**s/ Allen, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 5th of September 2023.



Grant E. Buckner
Clerk, Supreme Court of North Carolina


M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:

North Carolina Court of Appeals

Ms. Kathy R. Allen, For Allen, Kathy - (By Email)

Mr. Anthony A. Klish, Attorney at Law, For Klish, Anthony A., et al - (By Email)

Mr. C. Jordan Godwin, Attorney at Law, For Allen, Steve R. - (By Email)

Ms. Mary Flagler Allen

West Publishing - (By Email)

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