

SUPREME COURT OF THE UNITED STATES

No.

RIAN G. WATERS,

Plaintiff - Applicant,

v.

AIDAN KEARNEY,

Defendants - Respondents,

To Ketanji Brown Jackson

**APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI FROM THE MASSACHUSETTS
SUPREME JUDICIAL COURT**

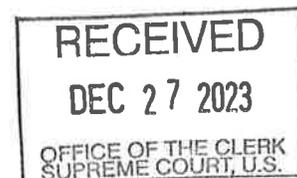
Respectfully submitted,

Pro se /S/ Rian Waters dated December 21st 2023

ICO Springfield District Court

50 State St, Springfield, MA 01103

(530)739-8951 Watersrian@gmail.com



Pursuant to Supreme Court Rule 13.5, Applicant, Rian Waters, requests a 30-day extension of time, to and including February 8th, 2024, within which to file a petition for a writ of certiorari in this case. The Massachusetts Supreme Judicial court issued its opinion and entered judgment in this matter on October 11, 2023. Absent an extension of time, Applicants' petition for certiorari would be due on or before January 9th, 2024. This application complies with Rules 13.5 and 30.2 because it is being filed ten days or more before the petition is due. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

I need to delay for financial reasons as a consequence of judges allowing Kearney to prevent me from working, I currently cannot afford to file indigent, and certainly not on the paid docket. I recently started automated day-trading with promising results, so I intend to file the petition on the paid docket as soon as I can afford to do so.

The issues presented below are,

Whether I have standing to appeal the court's unintelligible refusal to issue a criminal complaint, when the crime is against justice, and my safety, prosperity, and a fair trial is dependent on the state's prosecution.

If so, whether it was an abuse of discretion for the [trial courts] to approve of obvious crimes that are violating Constitutional Rights without any intelligible reason, and for the Single Justice to affirm their denials without any intelligible reason.

Background:

I sued Respondent Aidan Kearney in 2018 for defamation. Starting in January 2019, Aidan Kearney threatened and/or harassed me and my witnesses nearly consistently before every court hearing. The 2018 case is still not closed, but I still consider it too dangerous to name witnesses in that case. Rian Waters vs. Aidan Kearney & others 2022-P-1105

After the civil courts refused to contain the witness intimidation, and the police all refused to help, I filed multiple applications for criminal complaints in the Massachusetts district courts.

The evidence in these cases unquestionably established threats, to cause emotional and financial damage to parties or witnesses, with timing routinely showing intent to obstruct court cases. It is also unquestioned that the person responsible for the threats is Kearney.

In the lower courts Kearney did not deny performing the acts that I complained of, (nor could he as he has explicitly admitted and reaffirmed every element of the witness intimidation statute multiple times on video <https://youtu.be/pNqn6CsOPaE>) but rather he argued that my witness and I were not threatened, and that the witness intimidation statute is unconstitutional, because as a journalist he believes he has a right under the First Amendment to perform the acts that I complained about.

Now that Kearney and nine of his supporters have been charged with witness intimidation for comparatively minor harassment in one of the State's cases, an attorney aligned with Kearney is currently bringing this constitutionality argument in the First Circuit. *O'Neil, et al v. Canton Police Department, et al 23-civil-02062*

Kearney did not respond to half the complaints I filed or any of my petitions in the supreme judicial court, and the only legal reasoning that the courts have given for their decisions is that in Massachusetts "a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." *In re Two Applications for a Criminal Complaint, No. SJC-13373, 2 (Mass. Oct. 11, 2023)*

But as I preemptively argued in every lower court, the Supreme Court has determined that the roots of the State's case law are based on an incorrect interpretation of a Supreme Court case regarding Article III standing. This court decided that a particular "appellant ha[d] made an insufficient showing of a direct nexus between the vindication of her interest and the enforcement of the State's criminal laws." *Linda R. S. v. Richard D, 410 U.S. 614, 619 (1973)*

A few years later the Supreme Court clarified their decision. "Upon careful reading, however, it is clear that standing was denied not because of the absence of a subject-matter nexus between the injury asserted and the constitutional claim, but instead because of the unlikelihood that the relief requested would redress appellant's claimed injury." *Duke Power Co. v. Carolina Env. Study Group, 438 U.S. 59, 79 n.24 (1978)* ("We continue to be of the same view and cannot accept the contention that, outside the context of taxpayers' suits, a litigant must demonstrate

something more than injury in fact and a substantial likelihood that the judicial relief requested will prevent or redress the claimed injury to satisfy the 'case or controversy' requirement of Art. III")

Neither Kearney nor any court provided any opposing arguments to any of my arguments regarding standing, and the SJC made no attempt to reconcile the fact that all of the crimes I'm alleging are crimes against justice that are denying me the Constitutional right to a fair trial and preventing me from freely making an income.

Without any intelligible reason the SJC has approved of a Defendant intentionally destroying witnesses' livelihoods by harassing their families and customers, and threatening to make a witness want to commit suicide because she presented evidence that was used in court against the defendant.

In a separate matter, the defendant has now been charged with at least nine counts of witness intimidation and a conspiracy charge for harassment that is mild compared to the threats that my witnesses and I have received. That court has already determined that "[the Detective's] reports demonstrate a concerted effort, and repeated pattern of conduct designed, by [Kearney] to cause or threaten economic or emotional injury to witnesses or family members of witnesses, and to harass those witnesses, to get them to change their testimony." According to the prosecutors Kearney will get additional conspiracy charges soon.¹

¹ <https://www.wcvb.com/article/conspiracy-charges-turtleboy-aidan-timothy-kearney/45978016>

Self-Preservation

Judges have been using sua sponte lies and plain errors to prevent me from presenting evidence and make an income for far too long². Just as you would not give up on your car because the mechanic refused to listen to you when you told him what was wrong with your car, or if they refused to use the right tool, I am not going to give up on justice. Out of self-preservation, I am going to publish a book exposing and punishing the blatant corruption that I have dealt with, and I'm going to release the book part by part starting next week in an escalating fashion, so that it is only as provocative as necessary to provide my witnesses protection, and to get Facebook to release the evidence of Kearney's November 19th conspiracy.

Conclusion

I currently cannot afford to mail copies of a petition, so denying me an extension would be the government's final refusal to settle this dispute on the facts presented, and the relevant standing law. This court should grant the extension because failing to address the merits of this case would prove to the world that the American justice system is broken beyond repair.

² This court affirmed without reason a sua sponte decision that applied the heightened standard of the second clause of section 1985(2), when in fact it was alleged that there were conspiracies to obstruct a federal proceeding pursuant to the first clause of section 1985. Rian G. Waters, Petitioner v. Facebook, Inc., et al. 22-5133

RELATED CURRENT PROCEEDINGS

Commonwealth VS Aidan T. Kearney 23BP116; 23BP117; 23BP118; 23BP119;
23BP120; 23BP121; 23BP122; 23BP123; 23BP124; 23BP125; 23BP126

MA. Norfolk Superior Court

Rian Waters v. Meta Platforms, Inc., et al 23-15547. Ninth Circuit

RIAN WATERS vs. AIDAN KEARNEY & others 2022-P-1105 MA. Appeals Court

O'Neil, et al v. Canton Police Department, et al 23-civil-02062 First Circuit