

IN THE UNITED STATES SUPREME COURT

KEVIN RASHAAN GOLDEN

“Petitioner “Plaintiff” - “Appellant”

V.

CASE NO.22-40785

THE CITY OF LONGVIEW ET-AL.

Individual & In Their Official Capacity; Rollin McPhee,

Dwayne Archer, Chi Ping Stephen Ha, Keith Covington,

Mary Ann Miller & Robyn Edwards.

“Defendants” - “ Respondents”

PETITIONERS REQUEST FOR EXTENSION OF TIME TO FILE WRIT OF  
CERTIORARI

TO THE HONORABLE JUDGE[S] & CLERK OF SAID COURT :

COMES NOW KEVIN RASHAAN GOLDEN “PLAINTIFF” having present  
[t]his PETITIONERS REQUEST FOR EXTENSION OF TIME TO FILE WRIT OF  
CERTIORARI

further stating to wit :

PETITIONERS REQUEST FOR EXTENSION OF TIME TO FILE WRIT OF  
CERTIORARI

The petitioner judgment was rendered on November 09/2023 in which the petitioner received the Order on 11/15/2023. An extension of time on 11/17/2023 was filed for en banc rehearing and was thereby granted on November 27,2023 extended to November 30,2023 but was not received on Notice about the end date via U.S.Postal Services until December 01,2023. Petitioner thus filed an Out of Time En Banc Rehearing which was ultimately denied.On “date” the petitioner filed an objection in which for the 5th Circuit Court of Appeals to reconsider denying the petitioners Out of Time En banc rehearing in which no Judgment has been rendered . Due to the time constraint of which the petitioner has to provide his writ of certiorari considering the circumstances ,the petitioner would require extra time of 45 days to prepare his writ of certiorari due to his full time work schedule in combination with his mental disability of his ADHD. The appellant has to be subject to balance any work efforts placed upon him so as to actively think and to concentrate on what subject matters before him for better work performance(s) otherwise

the appellant would go into a “mental shut down” due to the stress levels of his “ADHD” limiting his ability to perform his job and other related activities outside his work which would include the complexities of drafting this writ of certiorari . The petitioner's ADHD (mental disability) calls for the need for additional time to review and thoroughly go over the United States Supreme Court rules to representing his Writ of certiorari so as to not struggle with preparing the brief for this honorable court’s review respectively. See attached affidavit 1.

### **CERTIFICATE OF SERVICE / COMPLIANCE**

I, Kevin R Golden, certify that today, January 05, 2024, certify that the facts provided within this Extension of Time before the United States Supreme Court is both true and correct as best known before the Appellee and a copy of the was delivered via email to the defendant / appellant as well as the 5th Circuit Court of Appeals Clerk's office under [pro\\_se@ca5.uscourts.gov](mailto:pro_se@ca5.uscourts.gov) and mailed certified directly to the United States Supreme Clerk office :

Honorable Clerk Scott S. Harris

1 First Street, NE.

Washington, DC 20543

BOON;SHAVER;ECHOLS;COLEMAN AND GOOLSBY

P.L.L.C. 1800 W. LOOP 281 SUITE 303

LONGVIEW TEXAS 75604

Email [darren.coleman@boonlaw.com](mailto:darren.coleman@boonlaw.com)

Dated 01/05/2024

Respectfully Submitted

/s/ Kevin R Golden

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Houston,Tx. 77036

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United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

November 9, 2023

Lyle W. Cayce  
Clerk

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No. 22-40785

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KEVIN RASHAAN GOLDEN,

*Plaintiff—Appellant,*

*versus*

CITY OF LONGVIEW, *Public Works Division*; ROLIN MCPHEE,  
*Director, City of Longview Public Works*; CHI PING STEPHEN HA,  
*Supervisor, Traffic Engineering Department*; KEITH COVINGTON,  
*Assistant Supervisor, Traffic Engineering Department*; MARY ANN  
MILLER, *Human Resources Director*; UNKNOWN PARTIES, *Interested  
parties within Gregg County, Texas,*

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:20-CV-620

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Before RICHMAN, *Chief Judge*, and HAYNES and DUNCAN, *Circuit  
Judges.*

PER CURIAM:\*

*Pro se* plaintiff Kevin Rashaan Golden appeals the dismissal of his

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 22-40785

claims alleging that he was illegally fired on account of his disability. *See Golden v. City of Longview*, No. 6:20-CV-00620-JDK, 2021 WL 3829126, at \*10 (E.D. Tex. Aug. 4, 2021) (recommendation to dismiss claims against City employees under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B)(ii)); *Golden v. City of Longview*, No. 6:20-CV-620-JDK-JDL, 2021 WL 3809265, at \*1 (E.D. Tex. Aug. 26, 2021) (adopting recommendation); *Golden v. City of Longview*, No. 6:20-CV-00620-JDL, 2022 WL 2704533, at \*11 (E.D. Tex. July 11, 2022) (summary judgment dismissing remaining ADA claims); *Golden v. City of Longview*, 2022 WL 16625713, at \*9 (E.D. Tex. Nov. 1, 2022) (same).

Finding no reversible error, we AFFIRM. *See* 5TH CIR. R. 47.6.



*United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

November 09, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing  
or Rehearing En Banc

No. 22-40785 Golden v. City of Longview  
USDC No. 6:20-CV-620

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 35, 39, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 and Fed. R. App. P. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

The judgment entered provides that Appellant pay to Appellees the costs on appeal. A bill of cost form is available on the court's website [www.ca5.uscourts.gov](http://www.ca5.uscourts.gov).

Sincerely,

LYLE W. CAYCE, Clerk

*Christina Rachal*

By: Christina C. Rachal, Deputy Clerk

Enclosure(s)

Mr. Darren Keith Coleman  
Mr. Kevin Rashaan Golden