

No. 73-754

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**In The  
Supreme Court of the United States**

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Harisadhan Patra and Petula C. Vaz  
*Pro Se Applicants,*

v.

Pennsylvania State System of Higher Education *et al.*,  
*Respondents.*

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Supreme Court, U.S.  
FILED  
FEB 13 2024  
OFFICE OF THE CLERK

**APPLICATION FOR EXTENSION OF TIME TO  
FILE PETITION FOR A WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

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To The Honorable Samuel A. Alito, Jr.,  
Associate Justice of The Supreme Court of The United States  
And Circuit Justice For The Third Circuit

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Date: February 13, 2024.

Respectfully submitted by,

*Harisadhan Patra*

Harisadhan Patra  
*Pro Se Applicant*

*Petula C. Vaz*

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## **Corporate Disclosure Statement**

Pursuant to Supreme Court Rule 29.6, Pro Se Applicants have nothing to declare or disclose, under this requirement.

To The Honorable Samuel A. Alito, Jr., Associate Justice of The Supreme Court of The United States and Circuit Justice For The Third Circuit:

In accordance with the Hon. Supreme Court's Rules 13.5, 22, 30.2, and 30.3, we, the undersigned, Pro Se Applicants, respectfully request that the time to file our petition for a *writ of certiorari* be extended for 60 days, up to and including Monday, April 29, 2024 (because Sunday, April 28, 2024 is a holiday). The Court of Appeals issued its opinion on July 19, 2023 (Exhibit B) and denied rehearing or rehearing en banc on November 30, 2023 (Exhibit A). Absent an extension of time, the petition would be due on February 28, 2024. We are filing this application more than 10 days prior to the due date (February 28, 2024). The jurisdiction of this Court is based on 28 U.S.C. §1254(1). This request is *unopposed*.

### **BACKGROUND**

This case presents a few important questions on the application of the *First-Amendment* injury claims and summary judgment evidence requirements, as summarized infra. E.g. (1) In Spring-2012, when we raised Defendants' poor program-completion rates and other issues with Defendants, Defendants thought we would speak to the accrediting agency about Defendants' falsifications and failure to meet accreditation standards; and Defendants acted to prospectively suppress our speech. Contrary to the Hon. Supreme Court's ruling in *Heffernan* (see *Heffernan v. City of Paterson*, 136 S. Ct. 1412, 1418 (2016)), the Hon. Court

of Appeals for the Third Circuit failed to consider prospective suppression of speech as actionable injury under the *First-Amendment* claims. (2) Although we yielded (“chilling”) to Defendants’ prospective-speech suppression in Spring-2012, we could not ignore our conscience, citizenry and moral duty to speak against Defendants on matters of serious public concerns (e.g. poor program-completion rates; falsifications in official records for student recruitment, accreditation, etc.; waste/abuse/misuse of public funds; etc.) despite continuous threats and streams of retaliatory actions, while other non-Plaintiffs remained silent and/or joined Defendants, due to fear of retribution. E.g. testimony by Smith, a non-Plaintiff and Defendants’ own official, showed that Smith remained silent and/or joined Defendants, due to fear of retribution (“I chose to accept it as it was”; Smith-Dep. at 73:24) and the existence of “chilling” effects on “a person of ordinary firmness from the exercise of First Amendment rights”. Although the Court of Appeals for the Fourth Circuit held that “chilling” “is likely to deter a person of ordinary firmness from the exercise of First Amendment rights” and “[A] claimant need not show [he] ceased those activities altogether to demonstrate an injury in fact” (*Constantine v. Rectors & Visitors of George Mason Univ.*, 411 F.3d 474, 500 (4th Cir. 2005)), the Court of Appeals for the Third Circuit, ruled in our case that there was no *First-Amendment* injury because, “the defendants’ actions never dissuaded them from speaking out”. Therefore, there is an inter-circuit difference of opinions,

which warrants the Hon. Supreme Court's intervention for the uniformity of legal standards on this issue. (3) Further, contrary to the Hon. Supreme Court's emphasis that "an appellate court has an obligation to 'make an independent examination of the whole record' in order to make sure that 'the judgment does not constitute a forbidden intrusion on the field of free expression'" (*Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 499; 104 S.Ct. 1949, 1958; 80 L.Ed. 2d 502), the Hon. Court of Appeals for the Third Circuit did not review nonmovants'/Pro Se Plaintiffs' Declarations and supporting evidence, submitted pursuant to FRCP 56(c), which contradicted movants'/Defendants' unsupported false assertions. (4) Although pursuant to FRCP 83(a)(1), local rules cannot override FRCP 56(c), the Hon. District Court and the Hon. Court of Appeals for the Third Circuit overlooked nonmovants'/Pro Se Plaintiffs' declarations without reasons and explanations, contrary to FRCP 56(c); while accepting movants' (Defendants') declarations, which was submitted in bad faith (see FRCP 56(h)). Further, the Hon. Supreme Court underscored, "Anyone who testifies in court bears an obligation, to the court and society at large, to tell the truth ... (criminalizing false statements under oath in judicial proceedings) ... ("Perjured testimony is an obvious and flagrant affront to the basic concept of judicial proceedings")" (*Lane v. Franks*, 134 S.Ct. 2369 (2014) (internal citations omitted)), and yet, the Hon. District Court and the Hon. Court of Appeals for the

Third Circuit ignored Defendants' and their officials' perjury in this legal proceeding. (5) At the summary judgment stage, the Hon. Courts are required to give movants' credence only for "evidence supporting the moving party that is uncontradicted and unimpeached." (*Anderson v. Liberty Lobby, Inc.*, 106 S.Ct. 2505, at 300); and disregard all evidence favorable to the moving party that *the jury is not required to believe* (*Reeves v. Sanderson Plumbing Products, Inc.*, 530 U.S. 133 (2000)). Opinions by the Hon. District Courts and the Hon. Court of Appeals for the Third Circuit contradicted the Hon. Supreme Court's directions in *Reeves*. Finally, the Hon. Court of Appeals for the Third Circuit inadvertently and erroneously acted as Defense Counsel by raising issues that movants did not raise and made legal errors holding lack of corroboration to Plaintiffs' own testimony because it overlooked Plaintiffs' evidence, which were submitted pursuant to FRCP 56(c) (e.g. Declarations and cited/attached email-records, which were generated in the course of business during Plaintiffs' employment, which included Plaintiffs' first-hand experiences/knowledge), while weighting evidence against us/Plaintiffs over AGDC's unsupported false assertions. Unlike the Hon. Court of Appeals for the Third Circuit's opinion in our case, other Hon. Court of Appeals held that rejecting plaintiff's statements, while accepting the employer's is deemed "an approach ... inconsistent with the fundamental rules governing summary judgment" and "To hold otherwise ... an employee's account could never prevail

over an employer's ...would render an employee's protections against discrimination meaningless." *Helfter*, 115 F.3d 613, 616 (8th Cir.1997). Also see, *Heinsohn v. Carabin & Shaw, P.C.*, 832 F.3d 224, 245 (5th Cir. 2016). Finally, Defendants' repeatedly used *blasphemous* insults (despite Plaintiffs' protests), which Defense Counsels asserted were neither "severe" nor "pervasive" and the Hon. District Court and the Hon. Court of Appeals for the Third Circuit erroneously accepted as true although Courts cannot selectively treat *blasphemous* insults to Hinduism as not severe. Further, our founding fathers had provided specific constitutional rights of religious freedom, prohibiting religious persecution. People are most sensitive about their religious beliefs, for which people fight/have fought hundreds of wars over blasphemy. Moreover, even a single occurrence of certain insults (e.g. *saying the "N" word or displaying a "swastika"*, *similarly insulting Hindu Deities to us*) is severe because of what the insult represents. *Clear, objective and uniform criteria by the Hon. Supreme Court are warranted to decide what constitutes "severe" in the context of blasphemy.* For the foregoing, a *writ of certiorari* is warranted.

### **REASONS FOR GRANTING AN EXTENSION OF TIME**

Based on our careful review and investigation of documents, we wanted to file a fraud-on-the-Court motion in the Third Circuit, prior to the Court's ruling on rehearing or rehearing en banc. However, the Hon. Court did *not* permit us to file

such a motion, although we had informed the Court that Defendants and Defendants' own officials falsified under penalty of perjury and/or oath, and Defense Counsels (Officers of the Court) knowingly used false and fabricated evidence to file/win summary judgment. We, being Pro Se (not trained in law), could not understand why the Hon. Third Circuit did not permit us to file a fraud-on-the-Court motion, prior to ruling on rehearing. Therefore, we reviewed all evidence carefully again. After our review, we became convinced that Defendants/their officials committed fraud and perjured in this legal proceeding, and Defense Counsels knowingly used falsified evidence and false assertions to win summary judgment (i.e. fraud-on-the-Court). Hence, we filed a writ of mandamus (In re: Harisadhan Patra and Petula Vaz; USCA No. 24-1168) to set aside prior judgments, seeking summary judgment for Plaintiffs. The case was docketed on 01/30/24, as USCA No. 24-1168, which is currently pending. Consequently, we lost about two months for preparing and filing this case.

Having no training in law, we frequently experience confusion on the rules and legal requirements, and have difficulties in following complex caselaws and laws. Unlike trained attorneys, we need additional time to conduct research on relevant rules and survey caselaws as well as read and understand the Hon. Supreme Court's rules and requirements, prior to filing our petition for a *writ of certiorari*. We understand the importance and value of the Hon. U.S. Supreme



Court's time and resources. It is incumbent upon us that we prepare our petition for a *writ of certiorari* to the best of our ability, utilizing all available resources. Hence, an extension of time to file the petition for a *writ of certiorari* is necessary.

*Most importantly*, Vaz's elderly parents (who are Patra's in-laws) have been experiencing serious medical issues. Considering the age and medical conditions of Vaz's parents, addressing their serious medical needs remain essential and a top-most priority over everything else. For the foregoing, an extension of time for 60-days to file the petition for a *writ of certiorari* is essential.

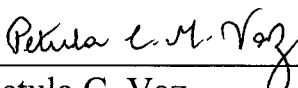
#### **PRAYER FOR EXTENSION**

For the foregoing, Pro Se Applicants request that the time to file a *writ of certiorari* in the above-captioned matter be extended 60 days to and including Monday, April 29, 2024 (because Sunday, April 28, 2024 is a holiday).

Date: February 13, 2024.

Respectfully submitted by,

  
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