

IN THE SUPREME COURT OF THE UNITED STATES  
APPLICATION FOR EXTENSION OF TIME REQUEST TO FILE A PETITION FOR WRIT OF  
CERTIORARI

CA SUPREME COURT  
CASE NO. S283139

CHEN CHEN HSU PETITIONER

V.

MICHEAL BISHAY RESPONDENT

DONALD BARBEE REAL PARTY IN INTEREST

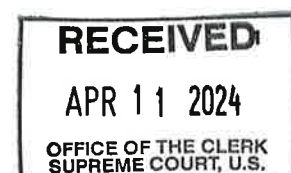
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APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI OF THE  
UNITED STATES OF THE SUPREME COURT TO THE UNITED STATES OF CALIFORNIA SUPREME  
COURT FOR THE NINTH CIRCUIT

To the Honorable Justice Elena Kagan of the Ninth Circuit

**STATEMENT OF FACTS**

The petitioner Chen Chen Hsu is requesting extended time to file a petition for a writ of Certiorari for 60 days. The petitioner's 90-day deadline to file a petition for writ of certiorari will end on 4/23/2024. The California Supreme Court denied the petition for review of the Summary and denied the petition for writ of Mandate on 1/24/2024. The petitioner's 90-day period for filing a petition ends on 4/23/2024. The petitioner is requesting extended time to file a petition for a writ of Certiorari for 60 days extended time to



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6/21/2024.

The petitioner is filing this application requesting an extended time to file a petition for writ of Certiorari more than 10 days before the 90-day due date.

The petitioner has attached a copy of the California Supreme Court's 1/24/2023 decision denying a petition for review of the Order Summary denied the petition for writ of Mandate, the California first district court of appeal court's Order Summary denied the petition for writ of mandate, and request for Stay issued on 12/12/2023, the California Alameda County Superior Court Hayward Hall of Justice's 8/7/2023 dissolution of marriage Order. SEE Exhibit A 11/27/2023 Order dismiss default appeal

**THE COURT IS AUTHORIZED TO GRANT THE EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI**

The court is authorized to grant the application an extended time to file a petition for writ of Certiorari under Supreme Court rule 30.2, rule 30.3. and rule 13.5 when the application is filed 10 days before the 90-day deadline to file a petition for writ of Certiorari and for good cause.

The California Supreme Court is the last court in which relief can be sought in this case; therefore, this court has jurisdiction to entertain this case as the case has exhausted all possible remedies.

**WHY THE APPLICATION SHOULD BE GRANTED**

There are the fundamental Constitution of due process rights, 14<sup>th</sup> Amendment, Fourth Amendment, and Fifth Amendment, and fraud involved.

There are important questions that need to the court to determine.

**MENTAL ILLNESS AND HARDSHIP**

The petitioner is a 68-year-old forma paupers' woman with a high school GED and limited English. The petitioner has been diagnosed with major depression, severe anxiety, severe insomnia, delusional disorder, paranoia, panic disorder, long term and short-term memory deficiency, and ADD. The petitioner was hospitalized 4 times for suicidal thoughts and attempted suicide. The petitioner was hospitalized for 8 years from 2012 to 2020 has been

suffering from serious mental illness since the year 2000.

The petitioner was ordered by the Superior court on 7/24/2023 for 14 days of involuntary treatment under section 5250 of the California Welfare and Institution Code. The Judgment states Major Depressive disorder with psychotic features, she also has thought that her husband's attorney would send someone to kill her. Current suicidal thoughts are still high. The petitioner appealed and filed a petition for Habeas Corpus which was heard and denied on 7/27/2023. SEE Exhibit B

The petitioner was at Stanford ER for 14 days of detention under Welfare and Institutions Code section 5250 by court order to deny the petition for habeas corpus from 7/21/23 to 8/3/23.

7/27/2023 Judgment denied petition for Habeas Corpus and Order for 14 days hold.

7/24/2023 Stanford statement to be read to patient.

A danger to self; High risk for suicide attempt because of very limited social support and recent stress of legal battle.

Stanford Progress notes by Dr. Saxena, Pamika Prashasti, MBBS at 7/26/2023 paragraph 4

There is concern that her belief that her husband's attorney has sent someone to harm her might be delusional in nature as it is similar to a delusion, she states she experienced years ago when she believed that her husband had sent someone to hurt her. Interestingly although she calls it paranoia and states it was treated, she has confirmed that she does not believe that to be untrue. Furthermore, the patient currently meets LPS hold criteria for DTSL, the psychotic nature of depression furthers the risk of recurrence in SI. Given the patient's acute psychiatric decompensation, despite outpatient follow-up, and inability to safely discharge the patient from SHC, the patient warrants inpatient psychiatric admission for stabilization, psychiatric workup, treatment adjustment, and transitional care planning.

## Doctor's letters

4/27/2021 Joseph Harrison M.ED. MSN letter states the patient has a serious chronic mental illness and suffers from treatment-resistant psychiatric illness, which impairs her level of functioning in multiple ways, requiring frequent follow-up and multiple medication treatment changes. The severity of her condition results in the patient being disabled generally and may complicate her ability to participate fully in legal proceedings. Accommodating Ms. Hsu's mental illness and its sequelae during legal proceedings is indicated in my professional opinion.

12/12/2008 Dr. Rahat Aulakh M.D. wrote Chen Hsu is suffering from Major Depressive Disorder with psychotic features.

## CONCLUSION

Preparing the Petition for writ of Certiorari, complying with the court rules, format, citing records, and research cases are extremely difficult for me. I easily get confused and fatigued.

To grant a 60-day extension to allow the petitioner the opportunity to prepare the petition properly is just as the strong public policy that the court will decide the case on merits. The petition cannot adequately present the case without an extension of time because of the petitioner's mental illness and limited English. The court is authorized to grant the application for an extend the time to file petition for writ of Certiorari for 60 days for good cause under Supreme Court Rule 13.5

For these reasons, the petitioner requests a 60-day extension of time to file a petition for a writ of certiorari.

**PRYER**

**I respectfully request this court grant the petitioner's application for 60 days extension of time to file petition for writ of Certiorari.**

**I declare under the State of California under the penalty of perjury this forgoing is true and correct to the best of my knowledge.**

**Respectfully submitted,**

**Chen CHEN HSU** 

**CHEN CHEN HSU self-litigant**

**649 UNIVERSITY Ave Apt H 370**

**PALO ALTO CA 94301**

**Tel: 669-212-0784**

**4/9/2024**

**Excuted in Palo Alto, California**

**Supreme Court United States**

**1st St NE, Washington, DC 20543**

**(202) 479-3000**

**I, Certify of word count 1334 I rely on MSF Word.**

  
**Chen Chen Hsu 4/9/2024**

**Certify proof of service**

I, CHEN CHEN HSU declare deposit the Application for extend the time to file petition for writ of Certlorari and Exhibits on 4/9/2024 by US first class mail with postage prepaid to

SOLICITOR GENERAL OF UNITED STATES ROOM 5616

DEPARTMENT OF JUSTICE

950 PENNSYLVANIA Ave

N.W. WASHINGTON, DC 20530-0001

HAYWARD HALL OF JUSTICE Dept 504

Judge Michael Bishay

24405 AMADOR STREET

HAYWARD CA 94544

HAYWARD HALL OF JUSTICE

,Dept 522 Judge TAMIZA HOCKHULL STONE

24405 AMADOR STREET

HAYWARD CA 94544

DONALD BARBEE

3307 EVERGREEN WAY S.256

WASHOUGAL WA 98671

  
CHEN CHEN HSU Self represented.

4/9/2024



**EXHIBIT A**

**SUPREME COURT  
FILED**

Court of Appeal, First Appellate District, Division Three - No. A169215 **JAN 24 2024**

**S283139**

**Jorge Navarrete Clerk**

**IN THE SUPREME COURT OF CALIFORNIA**

**Deputy**

**En Banc**

---

**CHEN CHEN HSU, Petitioner,**

**v.**

**SUPERIOR COURT OF ALAMEDA COUNTY, Respondent;**

**DONALD BARBEE, Real Party in Interest.**

---

The request for judicial notice is denied.  
The petition for review is denied.

**GUERRERO**

*Chief Justice*

Document received by the CA Supreme Court.

SUPREME COURT  
**FILED**

Court of Appeal, First Appellate District, Division Three - No. A169215 JAN 24 2024

S283139

Jorge Navarrete Clerk

**IN THE SUPREME COURT OF CALIFORNIA**

Deputy

**En Banc**

---

CHEN CHEN HSU, Petitioner,

v.

SUPERIOR COURT OF ALAMEDA COUNTY, Respondent;

DONALD BARBEE, Real Party in Interest.

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The request for judicial notice is denied.

The petition for review is denied.

**GUERRERO**

*Chief Justice*

Document received by the CA Supreme Court.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

CHEN CHEN HSU,

Petitioner,

v.

THE SUPERIOR COURT OF  
ALAMEDA COUNTY,

Respondent;

DONALD BARBEE,

Real Party in Interest.

A169215

(Alameda County  
Super. Ct. No. VF05217284)

BY THE COURT:\*

The petition for writ of mandate and request for stay are denied.

Dated: 12/12/2023

Tucher, P.J.

Presiding Justice

\* Tucher, P.J., Fujisaki, J., and Rodriguez, J.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

**FILED**  
Superior Court of California  
County of Alameda

11/27/2023

Clerk/Executive Officer/Clerk of the Court

By: *[Signature]* Deputy  
A. Enesa

CHEN CHEN HSU,  
Petitioner and Appellant,  
v.  
DONALD BARBEE,  
Respondent.

A168866

(Alameda County  
Super. Ct. No. VF05217284)

**BY THE COURT:**

Appellant has failed to file a Civil Case Information Statement in compliance with rule 8.100(g)(1) of the California Rules of Court and was given notice pursuant to rule 8.100(g)(2) on November 3, 2023.

The appeal filed on October 3, 2023, is dismissed pursuant to California Rules of Court, rules 8.100(g)(2).

Dated: 11/27/2023

Tucher, P.J.

Presiding Justice

Document received by the CA 1st District Court of Appeal.



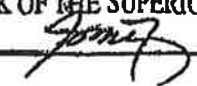
22282872

FL-340

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
**RONALD A. AUGUSTINSKY 128433**  
 Law Office of Ronald A. Augustinsky  
 7077 Koll Center Parkway, Suite 120  
 Pleasanton, CA 94566  
 TELEPHONE NO.: (925) 225-1010 FAX NO. (Optional):  
 E-MAIL ADDRESS (Optional): ron@augustinsky.com

ATTORNEY FOR (Name): Respondent **DONALD J. BARBEE**  
**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**  
 STREET ADDRESS: 24405 AMADOR STREET  
 MAILING ADDRESS: 24405 AMADOR STREET  
 CITY AND ZIP CODE: HAYWARD, CA 94544  
 BRANCH NAME: HAYWARD HALL OF JUSTICE

PETITIONER/PLAINTIFF: **CHEN HSU**  
 RESPONDENT/DEFENDANT: **DONALD J. BARBEE**  
 OTHER PARTY:

FOR COURT USE ONLY  
**FILED**  
**ALAMEDA COUNTY**  
**AUG 07 2023**  
 CLERK OF THE SUPERIOR COURT  
 By  Deputy

**FINDINGS AND ORDER AFTER HEARING**

CASE NUMBER:  
**VF05217284**

1. This proceeding was heard on (date): **7/3/2023** at (time): **10:00 a.m.** in Dept.: **504** Room:  
 by Judge (name): **Michael Bishay**  Temporary Judge  
 On the order to show cause, notice of motion or request for order filed (date): **3/8/21** et al by (name): **Petitioner**  
 a.  Petitioner/plaintiff present  Attorney present (name): **In pro per**  
 b.  Respondent/defendant present  Attorney present (name): **Ronald A. Augustinsky**  
 c.  Other party present  Attorney present (name):

**THE COURT ORDERS**

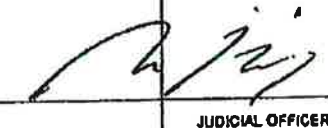
- 2. Custody and visitation/parenting time: As attached  on form FL-341  Other  Not applicable
- 3. Child support: As attached  on form FL-342  Other  Not applicable
- 4. Spousal or family support: As attached  on form FL-343  Other  Not applicable
- 5. Property orders: As attached  on form FL-344  Other  Not applicable
- 6. Attorney's fees: As attached  on form FL-346  Other  Not applicable
- 7. Other orders:  As attached  Not applicable

8. All other issues are reserved until further order of court.

9.  This matter is continued for further hearing on (date): at (time): in Dept.:  
 on the following issues:

Date: **8-7-23**

Approved as conforming to court order.



JUDICIAL OFFICER

SIGNATURE OF ATTORNEY FOR  PETITIONER/PLAINTIFF  RESPONDENT/DEFENDANT  OTHER PARTY

**FINDINGS AND ORDER AFTER HEARING**  
 (Family Law—Custody and Support—Uniform Parentage)

**DONALD J. BARBEE**

SHORT TITLE:  
Marriage of Hsu and Barbee

CASE NUMBER:  
VF05217284

Attachment to Findings and Order After Hearing - 7/3/23 Hearing

1) This Findings and Order After Hearing ("FOAH") is based on the parties' agreement recited on the record in open court in Dept. 504 on 7/3/23 before the Hon. Michael Bishay, presiding.

2) This is a global and universal agreement and Order. That is, this FOAH shall resolve all issues for this entire case from inception, including all issues remaining under the Amended Judgment filed 10/28/10, under the Request for Order ("RFO") which Petitioner filed 3/8/21, under the RFO which Respondent filed 8/3/21, and all other RFOs filed by either party since 3/8/21. This will also resolve all issues in the RFO filed by Petitioner which is currently set for hearing on 7/10/23 in Dept. 522 and the RFO filed by Petitioner on 6/29/23 which has not been assigned a hearing date.

3) All pending hearings, including the hearing currently set for 7/10/23 in Dept. 522, are advanced to 7/3/23 and vacated. All RFOs that have not yet been set shall be dropped from the court's calendar.

4) Respondent shall retain his GE pension. Petitioner will not receive anything from Respondent's GE pension.

5) Respondent shall pay to Petitioner, by December 3, 2023, the sum of one hundred thousand dollars (\$100,000.00). If Respondent does not make the payment of \$100,000.00 to Petitioner by December 3, 2023, then that payment of \$100,000.00 shall begin to accrue interest at the rate of 10% per year commencing December 4, 2023.

6) If Petitioner is required to make any effort to enforce Respondent's obligation to pay Petitioner the \$100,000.00, Petitioner shall be entitled to have Respondent pay Petitioner's attorney fees and costs involved in enforcing that obligation.

7) Petitioner shall have the right to record a lien against Respondent's real property located at 38730 Washougal River Road, Washougal, Washington 98671 to secure the payment of the \$100,000.00.

8) In the event that Respondent does not record that lien against the property, Respondent shall give Petitioner notice as soon as escrow opens on any refinance, home equity line of credit or sale of the property so that Petitioner can record the deed while escrow is pending.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

ADDITIONAL PAGE DONALD J. BARBEE

Attach to Judicial Council Form or Other Court Paper



|  |                            |
|--|----------------------------|
| SHORT TITLE:<br>Marriage of Hsu and Barbee | CASE NUMBER:<br>VF05217284 |
|--|----------------------------|

Attachment to Findings and Order After Hearing - 7/3/23 Hearing

9) If Petitioner does record a lien against the property, Petitioner shall release that lien simultaneously with Petitioner's being paid the \$100,000.00. If the payment of the \$100,000.00 to Petitioner is made from escrow, then Petitioner shall deposit the release of the lien to escrow while escrow is pending, and the payment of the \$100,000.00 to Petitioner and the recording of the release of the lien shall occur simultaneously.

10) This FOAH shall also resolve all spousal support issues under the Amended Judgment filed 10/28/10, under the RFO which Petitioner filed 3/8/21, under the RFO which Respondent filed 8/3/21, and all other RFOs filed by either party since 3/8/21. The parties agree, and the court orders, that neither party owes the other any arrearage or overpayment of spousal support through 7/3/23.

11) Based on the stipulation of the parties, the court terminates jurisdiction over the Issue of spousal support for each party effective 7/3/23.

12) Each party waives performance of all provisions of the Amended Judgment filed 10/28/10.

13) Mr. Augustinsky shall prepare the FOAH. Mr. Augustinsky shall e-mail Petitioner the proposed FOAH by close of business or 5:00 p.m. on 7/11/23. Petitioner shall have until close of business or 5:00 p.m. on 7/18/23 to either approve the proposed FOAH by dating, signing and returning the proposed FOAH to Mr. Augustinsky, or to inform Mr. Augustinsky what is incorrect in or missing from Mr. Augustinsky's proposed FOAH.

14) Each party waives all requests for attorney's fees, costs and/or sanctions, whether under Family Code Section 2030, Family Code Section 271 or any discovery statute.

15) If Petitioner approves the proposed FOAH, then Mr. Augustinsky shall e-mail the proposed FOAH to Dept. 504 and Judge Bishay, with a copy to Petitioner. If Petitioner does not approve the proposed FOAH, then Mr. Augustinsky shall e-mail the proposed FOAH to Dept. 504 and Judge Bishay, including the e-mail exchanges between Mr. Augustinsky and Petitioner to let the court know what the agreements and disagreements are, again with copies to Petitioner.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

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SHORT TITLE:

Marriage of Hsu and Barbee

CASE NUMBER:

VF05217284

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Attachment to Findings and Order After Hearing - 7/3/23 Hearing

The court will then read both sides' requests and either make modifications or sign the FOAH as provided.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

**EXHIBIT B**

---

1 Susan Oster Fish SBN 182286  
2 **LAW OFFICE OF SUSAN FISH**  
3 1960 The Alameda, Suite 210  
4 San Jose, California 95126  
5 Phone: (408) 231-4224  
6 Fax: (408) 244-7815  
7 Email: [sfish@susanfishlaw.com](mailto:sfish@susanfishlaw.com)

8 Stanford Health Care

**FILED**  
JUL 27 2023

Clerk of the Court  
Superior Court of California County of Santa Clara  
BY M. Jansson DEPUTY

9 SUPERIOR COURT OF CALIFORNIA,  
10 COUNTY OF SANTA CLARA

11 IN RE: LPS No. 23MH050765  
12 CHEN CHEN HSU ORDER DENYING WRIT OF HABEAS  
13 CORPUS ON A 14-DAY HOLD  
14

15  
16 The Writ of Habeas Corpus brought by CHEN CHEN HSU on the 14-day hold  
17 under California Welfare and Institutions Code Section 5250, came on for hearing on July  
18 27, 2023 in Department 13 of the Santa Clara Superior Court, the Honorable Jacqueline  
19 Arroyo, presiding. Thomas Cummins, Deputy Public Defender, appeared on behalf of  
20 CHEN CHEN HSU. Susan Fish appeared on behalf of Stanford Health Care. Mr. HSU  
21 was present via Microsoft Teams and was assisted by a Mandarin Interpreter. After the  
22 evidence was presented and the matter was argued and submitted, the Court found as  
23 follows:  
24

25 Stanford Health Care has established, by a preponderance of the evidence, that  
26 CHEN CHEN HSU continues to be, based upon the evidence, a danger to herself and is  
27 therefore justified in completing the 14-day detention of

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Ms. HSU for treatment under Welfare and Institutions Code Section 5250. The petition for Writ of Habeas Corpus is therefore Denied.

It is so ordered.

Date: 7.27.23

~~\_\_\_\_\_~~  
By: \_\_\_\_\_  
THE HONORABLE JACQUELINE ARROYO  
JUDGE OF THE SUPERIOR COURT

408-882-2651  
OR 2654

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
191 NORTH FIRST STREET, SAN JOSE CALIFORNIA 95113

CERTIFICATION REVIEW HEARING FINDINGS AND ORDER  
(PURSUANT TO W & I CODE SECTION 5256)

IN THE MATTER OF Chen Chen Hsu PATIENT DATE OF BIRTH 4/23/55

Certification Date: 7/24/23 Certification Type: 01 (Use Code Below)  
Hearing Facility: Stanford Ward/Unit: H2  
Facility Representative: Dr. Anderson Title: MD  
Patient Representative: J. Y. Park Other: \_\_\_\_\_

The above-named patient was certified for:  
 14-day involuntary treatment pursuant to Section 5250 et seq of the California Welfare and Institution Code  
 30-day involuntary treatment pursuant to Section 5270 et seq of the California Welfare and Institution Code  
The certification was on the basis of one or more of the criteria specified by law:  
 Danger to Self  Danger to Others  Gravely Disabled

A Certification Review Hearing was held this date to determine whether probable cause exists to continue to involuntarily detain the patient for 14 / 30 (circle one) days of intensive treatment on the basis that as result of the mental disorder, the patient is presently as specified, a danger to self, a danger to others, or gravely disabled (unable to provide for basic needs for food, clothing, or shelter).

The patient:  
 Was present  
 Was present in accordance with W&I Code Section 5256.3

After hearing, it was determined that:  
 Probable cause does not exist for certification type (Code)  
 Probable cause does exist for certification type 01

The reasons for this decision and the evidence relied upon cited below:

Diagnosis: Major Depressive Disorder with psychotic features  
Ms. Hsu was hospitalized due to suicidal thoughts by overdose after receiving an adverse judgment in her dissolution proceeding. She is also having fear that her husband's attorney would send someone after her. Although Ms. Hsu denies current suicidal thoughts, she lives alone, has very little social support.  
Date: 7/25/23 Title: M.H.O.  
Hearing conducted by: Jae J. Lin (Signature) no outpatient follow up yet, she's still at risk for self harm

Release Ordered  Release Denied  Amend Certification

Copies to:  
Hearing Officer/Superior Court  
Patient's representative  
Facility's representative  
Patient

\*\*\*\*\*  
Certification Codes:  
01 Danger to self  
02 Danger to others  
03 Gravely disabled  
04 Danger to self and danger to others  
05 Danger to self and gravely disabled  
06 Danger to others and gravely disabled  
07 Danger to self, danger to others, and gravely disabled

**Certify proof of service**

I, CHEN CHEN HSU declare deposit the Application for extend the time to file petition for writ of Certiorari and Exhibits on 4/9/2024 by US first class mail with postage prepaid to

SOLICITOR GENERAL OF UNITED STATES ROOM 5616  
DEPARTMENT OF JUSTICE  
950 PENNSYLVANIA Ave  
N.W. WASHINGTON, DC 20530-0001

HAYWARD HALL OF JUSTICE Dept 504  
Judge Michael Bishay  
24405 AMADOR STREET  
HAYWARD CA 94544

HAYWARD HALL OF JUSTICE  
,Dept 522 Judge TAMIZA HOCKHULL STONE  
24405 AMADOR STREET  
HAYWARD CA 94544

DONALD BARBEE  
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WASHOUGAL WA 98671

  
CHEN CHEN HSU Self represented.

4/9/2024

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HAYWARD HALL OF JUSTICE Dept 504  
Judge Michael Bishay  
24405 AMADOR STREET  
HAYWARD CA 94544

HAYWARD HALL OF JUSTICE  
,Dept 522 Judge TAMIZA HOCKHULL STONE  
24405 AMADOR STREET  
HAYWARD CA 94544

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HAYWARD HALL OF JUSTICE Dept 504

Judge Michael Bishay

24405 AMADOR STREET

HAYWARD CA 94544

HAYWARD HALL OF JUSTICE

,Dept 522 Judge TAMIZA HOCKHULL STONE

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4/9/2024