

App. No. _____

In the Supreme Court of the United States

LUIS S. ARANA,
Petitioner,

v.

LUIS TAPIA MALDONADO ET AL.,
Rector, University of Puerto Rico-Utuado,
Respondents.

On Application for an Extension of Time
To File Petition for a Writ of Certiorari
to the Court of Appeals of Puerto Rico

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

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To the Honorable Ketanji Brown Jackson, as Circuit Justice for the United States Court of Appeals for the First Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Luis S. Arana respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended for 60 days up to and including July 1, 2024. The Court of Appeals of Puerto Rico ("Court of Appeals") issued its judgment on June 8, 2023 (Appendix ("App.") A), and denied reconsideration on June 26, 2023 (App. B). The Supreme Court of Puerto Rico denied Petitioner's writ of appeal on October 6, 2023 (App. C), and denied reconsiderations on November 17, 2023 (App. D), and February 2, 2024 (App. E).

Absent an extension of time, the Petition for Writ of Certiorari would be due on July 1, 2024. Petitioner is filing this Application more than ten days before that date. See S. Ct. R. 13.5. This Court has jurisdiction over the judgment of the Court of Appeals under 28 U.S.C. 1258.

Background

This case is about Petitioner's dismissal of his tenured position as a professor at the University of Puerto Rico ("Administrative case"), by Luis Tapia-Maldonado ("Tapia"), rector of the Utuado campus of the University of Puerto Rico ("UPRU" or "University"), where the Petitioner worked from 2006 to 2019.

May 24, 2018, was the last day for the students to withdraw from a course in UPRU. On that day the eight (8) students that attended one of Petitioner's courses, namely Mate 3012 ("course"), were failing the course.

Because of their failing situation in the course, on May 24, 2018, the students

approached acting Dean of Academic Affairs, Vivian Vélez, to see how she could help them not to fail the course. Vivian Vélez promised the students that she would talk to the Petitioner to find out what could be done with respect to their failing situation in the course. Accordingly, Vivian Vélez called the Petitioner to a meeting at 5:20pm, on May 24, 2018, after the time for the students to withdraw from the course had passed at 5:00pm.

In that meeting Vivian Vélez made all kinds of suggestions to the Petitioner so that the students would not fail the course, none of which assessed how well the students had learned the topics of the course. The Petitioner told Vivian Vélez that those students couldn't do elementary arithmetic calculations, while the topics of the course required intermediate to advance mathematical skills.

Consequently, the Petitioner told Vivian Vélez that the right thing for the students to do was to repeat the course, and in the meantime learn the prerequisites they needed in order to be prepared to master the topics of the course. Vivian Vélez was not happy with that suggestion, and that made clear to the Petitioner that all Vivian Velez wanted was for him to pass the students regardless of whether or not they have learned the topics of the course. That made the Petitioner very uncomfortable because that is academically unethical and fraudulent, according to the academic standards of the University of Puerto Rico.

The semester ended and the students received F as the final grade in the course, for it was the corresponding grade according to the evaluation criteria set out for that course in the beginning of the semester.

Immediately thereafter, the acting rector at that time, José Heredia ("Heredia),

did not allow the Petitioner to teach two (2) summer courses that had been assigned to the Petitioner earlier in the semester. This was a clear act of **retaliation** on the part of the University's administrators against the Petitioner, for him not having acquiesced to the University administrator's interest and pressure to give passing grades to the students that attended the course. At this point the Petitioner took a leave of absence for the fall semester of 2018 outside of Puerto Rico.

When the Petitioner returned to Puerto Rico for the spring semester of 2019, a summoner handed him some documents from UPRU that informed him that he had been accused of sexual harassment of a female student who attended the aforementioned course. As the process ensued other documents were sent to the Petitioner by email, including one in which Vivian Vélez and others had already found the Petitioner **guilty** of sexual harassment in an investigation that was carried out without the Petitioner's knowledge, so he did not have the opportunity to express his position or defend himself against said accusation.

When the formal part of the investigation started, Heredia was no longer the acting rector of the University of Puerto Rico in Utuado, for he was asked to resign by the president of the University of Puerto Rico, Dr. Jorge Haddock Acevedo. He was succeeded by Tapia. Immediately after assuming the position of acting rector, Tapia denied the Petitioner free access to campus. He did so in violation of due process, and in violation of Section 32.4.5 of the *General Regulations of the University of Puerto Rico*, which stipulates that:

“The free access and exit of people from the University facilities and the classrooms or buildings that are part of it will not be hindered at any time”.

Tapia's denial of free access to campus by the Petitioner certainly was a continuation of the retaliation and abuse of power that started with Heredia. The University guards were instructed to stop the Petitioner at the entrance to the University and escort him to whatever place he needed to go in the University¹. That was very bothersome, embarrassing and humiliating for the Petitioner, for he was taken in a "golf cart" by the University guards, and was seen by many people, including fellow professors, students and regular employees. All this happened as a consequence of the Petitioner not having acquiesced to the administrators' pressure to pass eight (8) students who had failed the course².

Eventually, the administrative hearings about the sexual harassment accusation were held on August 30, 31, and November 1, of 2019, and the examining officer did not find the Petitioner guilty of sexual harassment, thus recommending Tapia to withdraw the charges against the Petitioner. Tapia did not accept the examining officer's recommendation; instead he decided to dismiss the Petitioner for charges that were not included in the administrative complaint, and for this he added as proven facts allegations that were not part of the administrative complaint nor were they believed by the examining officer, who was the fact-finder in the administrative case. That was a clear violation of due process for the Petitioner by Tapia.

To aggravate matters for the Petitioner, the courts of Puerto Rico were totally biased against him, to the point that the Court of Appeals did not apply the right

¹ This is a clear manifestation of Tapia's bias against the Petitioner.

² The administrative record shows that the female student that filed the sexual harassment complaint did not complain on her own about sexual harassment against the petitioner, instead she was **invited** by the University's administrators **to a private meeting** with them, and from that meeting the sexual harassment complaint ensued.

standard of proof to the case, meaning the clear and convincing standard, as it had been established by the Supreme Court of Puerto Rico for cases of public employees' dismissal. That was so in spite of the fact that the Petitioner asked the Court of Appeals to correct that error when he asked for reconsideration, for that reconsideration was denied.

That action by the Court of Appeals has double constitutional implications. One is that the standard of proof is part of the due process³, and the other is that the Court of Appeals denied the Petitioner the Equal Protection guaranteed by the Fourteenth Amendment of the Constitution of the United States, by intentionally not having applied the right standard of proof to the Administrative case⁴.

The foregoing shows that Petitioner's petition for a writ of certiorari in this Court is constitutionally strong. On the other hand, Petitioner never thought he had to come to this Court looking for the protections guaranteed by the Constitution of the United States, since state law by itself, including the constitution, totally favors the Petitioner, as we will show in our petition for a writ of certiorari in this Court.

Consequently, the Petitioner's time in researching federal law and educating himself about this Court's rules has been totally **unexpected**. This process has been very time consuming for the Petitioner since his dismissal from the University precluded his financial capability to hire an attorney to represent him. Yet what is at stake for the Petitioner is his livelihood, his reputation, his career as a professor, and his retirement benefits, including his pension and social security that were

³ *Addington v. Texas*, 441 U.S., at 423; *Santosky v. Kramer*, 455 U.S., at 769.

⁴ The Court of Appeals routinely applies the standard of "clear and convincing" evidence to cases that concern public employees' dismissal, but it refused to apply that standard of proof to the University's case against the Petitioner, for the Petitioner brought this error to the attention of that court.

dramatically and unjustly affected by an ill-intended and unconstitutional action by the University⁵.

This court has recognized, and the Petitioner knows first hand, “the severity of depriving a person of the means of livelihood”. *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 533 (1985). And it further has expressed that a property right in continued employment **could not** be deprived of by the State “without due process of law”. *Cleveland Board of Education v. Loudermill*, 470 U.S., at 538. This is exactly what happened in the Administrative case, among other constitutional violations, which hopefully this Court will right.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari in this matter be extended sixty (60) days, up to and including July 1, 2024. This extra time, if granted, will help the Petitioner to review the record more carefully to determine which documents, apart from the ones required by this Court’s rules, need to be translated and formatted in order to support his questions to this Court, and to better familiarize himself with this Court’s rules.

Respectfully submitted.



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⁵ There is enough proof in the record to show that the sexual harassment case was fabricated by the administrators about the Petitioner because he did not acquiesce to their pressure to illicitly give passing grades to the students of the afore mentioned course. In fact, the administrators themselves illicitly changed the students’ final grade from F to C, and then using those students as accusers and witnesses against the Petitioner.