

No. 22-55768

IN THE SUPREME COURT OF THE UNITED STATES

AZARIAH M. ELLINGTON,

PETITIONER,

V.

DEPARTMENT OF VETERANS AFFAIRS, ET AL,

RESPONDENTS.

APPLICATION FOR OF EXTENSION OF TIME TO FILE CERTIORARI

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES

CERTIORARI/MANDAMUS CURRENTLY DUE APRIL 9 AND 25, 2024

AZARIAH M. ELLINGTON
10401 S. 4TH AVENUE
INGLEWOOD, CALIFORNIA 90303
(310) 245-0711
IN PRO PER

STATEMENT OF JURISDICTION STATEMENT OF JURISDICTION

In accordance with Supreme Court Rule 13 (1-5), this Court follows these well-accepted principles underlying 28 U.S.C. § 2101(f), which is the statutory authority for a judge of this Court or the Supreme Court to grant a stay/extension pending certiorari. Also, see 28 U.S.C.A. § 42 and *Marshall v. Marshall* (May 1, 2006) 547 U.S. 293, 298-299.

JUDGEMENTS:

United States Court of Appeals for the Ninth Circuit, Judgements filed January 10, 2024, and January 26, 2024 (attached as Exhibits 1 and 2).

On approximately 5-6 days after the Supreme Court of the United States (SCOTUS) Granted Extension of Time to File Certiorari (January 4, 2024); extended the date to February 24, 2024.

On January 10, 2024, United States Court of Appeals for the Ninth Circuit issued Orders denying the Petitioners' En Banc petition for hearing and objection to (2) Two Judge quorum.

On January 26, 2024, United States Court of Appeals for the Ninth Circuit issued Orders indicating, "The order warned that failure to comply would result in the automatic dismissal of the by the Clerk for failure to prosecute, without further notice and regardless of other filings." Sounds like a pre-Magna Carta ruling.

ORIGINAL TIME TO FILE:

The original time to file the subject Certiorari was December 26, 2023, for case for case # 22-55678, see Exhibit 3.

The Petitioners requested a sixty (60) day extension, which would have been February 24, 2024 respectively, computed from December 26, 2023. See Exhibit 3, Filed September 27, 2023.

On January 4, 2024, the Supreme Court of the United States granted the Petitioners' requested extension.

Six (6) days later, on January 10, 2024, the 9th Circuit Court of Appeals denied Petitioners' Petition for Hearing En Banc, on the instant matter. According to Supreme Court Rule 13.3, "*[B]ut if a petition for rehearing is timely filed in the lower court by any party, or if the lower court appropriately entertains an untimely petition for rehearing or sua sponte considers rehearing, the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing or, if rehearing is granted the subsequent entry of judgment.*"

JUSTIFICATION FOR OF EXTENSION OF TIME:

Presently, the United States Court of Appeals for the 9th Circuit is attempting to deny the Petitioner' the right to a fair hearing, as the District Court Clerk, Renico Smith held the Petitioner's complaint in his personal possession for approximately six (6) days before filing. The Court, in the person of Judge Klausner, Dismissed the

complaint, with the knowledge that Renico Smith did not file the complaint, but held the from filing for approximately six days.

Thus, Judge Klausner willingly colluded with Record Tampering initiated by Clerk Smith, and used that criminal behavior as the ground and reason to dismiss the Petitioner's timely complaint. Such renders the Order void, according to FRCP 60. Which gives the Petitioner the right to challenge said order until it is corrected.

Also, the 9th Circuit has assigned the same illegal quorum, assigned to Petitioner's Civil Rights case (21-56157) to the instant matter. This assignment exposes next level corruption and vitriol acted against the Petitioner, without cause.

Also, as may be apparent, the 9th Circuit has acted multiple acts of contempt of court, in acting to proceed dismiss a matter that is currently within the jurisdiction of the Supreme Court of the United States. See Exhibits 1 through 3.

Additionally, the Petitioner must contend with looting of the Ethel Ellington Living Trust which has been occurring while the matter has been before the United States District Court, the 9th Circuit Court of Appeals and the Supreme Court of the United States. The 9th Circuits acts of contempt must be addressed. Thus, the Petitioner is attempting to prepare two Writs of Certiorari for the Supreme Court of the United States, and actively contest Racketeering in three California Superior Courts, related to the Ethel Ellington Living Trust.

The conduct acted by the 9th Circuit is beneath the "noble" character expected of any reasonable court, as they have riotously acted to deprive the Petitioners of the

rights and protections afforded citizens of this Great Country, when requesting justification of matters of law and ethics.

Jurisdiction Question:

It being that the 9th Circuit denied Petitioners' En Banc request on January 10, 2024, the Petitioners allotted 90 days from this date to file Certiorari in the related cases. See **SUPREME COURT RULE 13.1 AND 13.3**. Thus, the extension granted by the Supreme Court, which authorized filing of Certiorari, on February 24, 2024, must be corrected, to indicate Petitioners' filing date is now April 9 and 25, 2024.

Presently, Petitioner, Azariah M. Ellington request extension of time from April 9, 2024, to June 8, 2024, and April 25, 2024, to June 24, 2024.

This clearly demonstrates the contemptuous conduct acted by the 9th Circuit, which must be corrected, along with the Void Order to establish a fair hearing on this matter.

CONCLUSION

No reasonable jurist, who is positioned to protect the United States Constitution, could discover the alleged conduct acted by the alleged jurists and court staff, then fail to arrest and correct what has happened in this case, related to a "bedbound" nonagenarian who was attacked by sadistic, greedy, malicious, criminal, vile and thoughtless judges, attorneys and State appointed fiduciaries. The Petitioners contend that 42 U.S.C. Sec. 1983, 18 U.S.C. §§ 4, 241, 242, 1512 and 1519 are just a few of the violations acted by California State Superior Court Judges Mary

Thornton House, Maria Stratton, David J. Cowan, David Cunningham, Barbera Johnson, Daniel Juarez and state Appointees Vikram Brar and Lisa Fisher, 9th Circuit, Chief Justice Emeritus, Sidney R. Thomas and associates; Judge Stephen V. Wilson Magistrate John D. Early and associates.

Because the Honorable Justice Elena Kagan has been very forthcoming concerning the Integrity and Legitimacy of the Courts, the Petitions are hopeful that her openness is more than just a ruse, but the actual heart and efforts of this Supreme Court Justice of the United States. Petitioners pray that no other American Citizen experiences the vile cruelty acted by the alleged suspects.

Therefore, the Petitioners respectfully request extension of time for filing Certiorari, [(60 Days) June 8 and 24, 2024], be allotted, to provide adequate opportunity for the protection of their rights.

April 14, 2024

By: 

Azariah M. Ellington
In Pro Per

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

April 14, 2024


Azariah M. Ellington

In Pro Per

NO. 22-55768

IN THE SUPREME COURT OF THE UNITED STATES

AZARIAH M. ELLINGTON,

PETITIONER

v.

DEPARTMENT OF VETERANS AFFAIRS, ET AL,
RESPONDANTS

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 30.2, I certify that the Application for Extension of Time to File Certiorari and Additional Pagination contains 1198 words, including the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2024



Azariah M. Ellington

In Pro Per

10401 S. 4th Ave.

Inglewood, CA 90303

(310) 245-0711

Exhibit 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 26 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AZARIAH M. ELLINGTON,

Plaintiff-Appellant,

v.

DEPARTMENT OF VETERANS
AFFAIRS,

Defendant-Appellee.

No. 22-55768

D.C. No. 2:21-cv-08448-RGK-PD
Central District of California,
Los Angeles

ORDER

On January 10, 2024, this court ordered appellant to file the opening brief by January 22, 2024. The order warned that failure to comply would result in the automatic dismissal of the appeal by the Clerk for failure to prosecute, without further notice and regardless of other filings. To date, appellant has not complied with the court's order. Accordingly, this appeal is dismissed for failure to prosecute. *See* 9th Cir. R. 42-1.

All pending motions are denied as moot.

This order served on the district court shall, 21 days after the date of the order, act as and for the mandate of this court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

Exhibit 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 10 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AZARIAH M. ELLINGTON,

Plaintiff-Appellant,

v.

DEPARTMENT OF VETERANS
AFFAIRS,

Defendant-Appellee.

No. 22-55768

D.C. No.
2:21-cv-08448-RGK-PD
Central District of California,
Los Angeles

ORDER

Before: LEE and VANDYKE, Circuit Judges.

We treat appellant’s “petition for hearing en banc” (Docket Entry No. 24) as a motion for reconsideration en banc. The motion for reconsideration en banc is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

All other pending motions and requests, including appellant’s requests for a stay of appellate proceedings (Docket Entry Nos. 24 and 25), are denied.

The opening brief is now due January 22, 2024. The answering brief is due February 21, 2024. The optional reply brief is due within 21 days after service of the answering brief.

Because appellant is proceeding without counsel, appellant is not required to file excerpts of record. *See* 9th Cir. R. 30-1.3. If appellant does not file excerpts of record, appellee “must file Supplemental Excerpts of Record that contain all of

the documents that are cited in the pro se opening brief or otherwise required by Rule 30-1.4, as well as the documents that are cited in the answering brief.” *Id.*

If appellant does not file the opening brief by January 22, 2024, the appeal will be dismissed automatically by the Clerk for failure to prosecute, without further notice and regardless of other filings. *See* 9th Cir. R. 42-1.

Exhibit 3

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 27 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AZARIAH M. ELLINGTON,

Plaintiff-Appellant,

v.

DEPARTMENT OF VETERANS
AFFAIRS,

Defendant-Appellee.

No. 22-55768

D.C. No. 2:21-cv-08448-RGK-PD
Central District of California,
Los Angeles

ORDER

Before: LEE and VANDYKE, Circuit Judges.

Appellant's motion filed at Docket Entry No. 22 is denied. The request for a stay (included in Docket Entry No. 22) is also denied.

The court will not consider any motions for reconsideration, clarification, or modification of these denials.

The opening brief is due October 16, 2023. The answering brief is due November 15, 2023. The optional reply brief is due within 21 days after service of the answering brief.

Because appellant is proceeding without counsel, appellant is not required to file excerpts of record. *See* 9th Cir. R. 30-1.3. If appellant does not file excerpts of record, appellee "must file Supplemental Excerpts of Record that contain all of the documents that are cited in the pro se opening brief or otherwise required by

Rule 30-1.4, as well as the documents that are cited in the answering brief.” *Id.*

If appellant does not file the opening brief by October 16, 2023, the appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

NO. 22-55768

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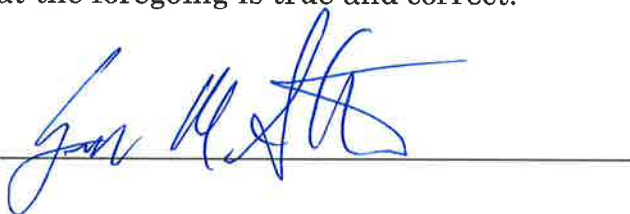
CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **APPLICATION FOR EXTENSION OF TIME TO FILE CERTIORARI**, via e-mail and first-class mail, postage prepaid, this 15th day of April 2024

[See Attached Service List]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2024.



Azariah M. Ellington
In Pro Per
10401 S. 4th Ave.
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(310) 245-0711

SERVICE LIST

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27. **County of Los Angeles**, 500 W. Temple Street, Rm. 383, Los Angeles CA 90012: (213) 974-1440

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31. **Jessica O. Cheh, U.S. Attorney, 300 N. Los Angeles Street. Rm 7516, Los Angeles, CA 90012.**