

No.

24A1283

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 2025

Demetric Simon, *Petitioner*

vs.

Keith Gladstone, *et. al., Respondents.*

*Application for Extension of Time to File Petition for Writ of Certiorari
to the United States Court of Appeals for the Fourth Circuit Court*

To the Honorable John G. Roberts, Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit including State of Maryland:

Previously in Application No. 24A1283, *Simon v. Gladstone, et. al.*, this Court (on one of the last days of the Term), on Friday June 27, 2025 granted an extension through Sunday, July 20, 2025. The original Motion filed requested 30 days at that time through July 30, 2025, and it is not known why the full amount was not apparently granted. The foregoing motion, requests that the time period be extended a total of 60-days (the maximum permitted under Statute) for good cause, from the original due date of a Certiorari Petition with this Court, of June 30, 2025, though Friday, August 29, 2025, and states as follows in support.

Petitioner also incorporates into this filing, the more detailed discussions from the copy with attachments e-filed with this Court on June 20, 2025, addressing the previous procedural and factual history of this case, and legal issues deserved of Certiorari, including the apparent Circuit Split being simultaneously argued in a case out of the Second Circuit, *Saint-Jean v. Emigrant Mortg. Co.*, 129 F.4th 124 (2nd Cir., Dec. Feb. 19, 2025) on what circumstances and standards apply to justify “equitable tolling” and “fraudulent concealment” when the Defendants argue statute of limitations preclude suit. *See, Simon v. Gladstone, Application for Extension of Time*, pg. 4-10.

The *Emigrant* case was specifically noted in the original Application as supportive of “Certworthiness” and involving a similarly timed matter for this Court’s review from a final judgment, that occurred about a week earlier out of the Second Circuit. *Simon Application*, pg. 5. Justice Sonya Sotomayor has previously granted the application by the Petitioners Emigrant Mortgage Company, *et. al.* (Defendants below) for a 60-day extension, through August 25, 2025. One of the legal issues, though on a different Federal Statute of the Fair Housing Act, went to jury after the trial judge denied both a Motion to Dismiss and Summary Judgment on Statute of Limitations grounds for the Defendant.

Thus, the Petitioner in *Emigrant*, notes and argues:

“A divided panel of the Second Circuit affirmed the jury verdict. With respect to timeliness, the Second Circuit Majority held that a plaintiff’s failure to exercise diligence was excused because they “could not reasonably be expected” to learn of their cause of action through due diligence, and “that alone would be enough” because “unfairness to a plaintiff who is not at fault” is the “core inquiry of our equitable tolling analysis.” App., *infra* at 32a-43a. “ *Emigrant Application*, in 24A1177, pg. 4.

Should this Court provide the full amount of time requested for 60 days Extension, like that afforded Petitioner/Applicant Emigrant, Petitioner/Applicant Demetric Simon would anticipate reviewing the publicly available *Emigrant* Certiorari Petition with at least 5 days time lead time, in preparation of *Simon’s* Certiorari Petition, to better understand and explain to this Court, the nuances of the contended Circuit Split. While different Federal Statutes are involved (Petitioner Simon’s case is under Sec. 1983, for the Defendants’ violations of his Civil Rights violation including planting a weapon, which was the cornerstone of three of the co-Defendants (Gladstone, Hankard, and Vignola) for guilty pleas or via jury), Petitioner Simon contends had his case been argued and presented with the clear case law in the Second Circuit Court of Appeals, the Defendants/Respondents’ Motion to Dismiss should have been denied on that basis, and the case would have

proceeded naturally to discovery and eventually trial like it did for *Emigrant*. In other words, a classic “Circuit Split” important for Certiorari consideration. Whether that would involve requesting this Court’s consideration as a potential “Hold” or in combination for Certiorari being granted and considered on the merits, may depend on the specifics of the arguments and Questions Presented by qualified counsel in *Emigrant*. Thus, this reason alone, satisfies the “Good Cause” standard for the full 60-day Extension requested, and had been already granted to Petitioner/Applicant *Emigrant* in their Certiorari request to the Second Circuit.

Additionally, counsel for Petitioner Simon, much like the Counsel in *Emigrant*, needs additional time to properly prepare a petition that would be helpful to the Court, due to significant professional and personal responsibilities in other time-sensitive matters before the current Sunday, July 20, 2025 deadline. An outline of these matters include, but are not limited to:

1. Undersigned counsel has been asked by medical professionals and other knowledgeable persons, to assist with a complicated family medical and legal matter, that has been sadly worsening the past few months. Over the next month, this has a strong likelihood of requiring

- travel out of state to help benefit the relatives, with potential involvement in time-sensitive and emergency filings, in said state; and
2. Normally undersigned counsel would go on vacation in early to middle of August. Assuming the matters in #1 aren't still ongoing out of state, counsel hopes and plans to be able to go on vacation during early August; and
 3. Conversations with potential Amici groups interested in the above-captioned matter, are ongoing, and would benefit from the additional time necessary for their review; and
 4. Various Federal and State trial and appeal matters, have ongoing deadlines, throughout July and August 2025.

Petitioner's Counsel Michael Wein is an attorney licensed in the State of Maryland, various Federal Courts, and a member of the Bar of this Court. This case directly involves at least two important Federal Questions Presented, both Questions of First Impression for this Court, and invoking important Civil Rights, procedural and ethical issues. Particularly in light of the important questions presented by this case, it is important that additional time be provided to Counsel to properly frame and argue these complex matters to this Court.

Petitioner Demetric Simon therefore prays for an additional 40-day extension of time to file a petition for certiorari to this Court to and including August 29, 2025. The original effective final judgment date of the Fourth Circuit Court of Appeals, was entered on April 1, 2025 and Petitioner's time to file a petition for certiorari in this Court expires presently on June 20, 2025. This application is being filed at least 10 days before that date. The jurisdiction of this Court is invoked under 28 U.S.C. §1254.

While the above captioned filing, in conjunction with the original Application for Extension of Time, explains, expands, and espouses why in Counsel's opinion "good cause" exists for the full 60 days permitted by Statute, should this Court not grant this request, it is alternatively respectfully requested that this Court provide the initially requested 30 days through July 30, 2025. Nevertheless, Petitioner Demetric Simon respectfully requests an Order be entered extending his time to petition for Certiorari 40 days with this Court to and including Friday, August 29, 2025.

Respectfully Submitted,

/s/ Michael Wein

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