

No. _____

In The
Supreme Court of the United States

SYMON MANDAWALA.,

Applicant,

v.

BAPTIST SCHOOL OF HEALTH PROFESSIONS,

Respondents.

Request to file Petition for the writ of certiorari out of time

Symon Mandawala

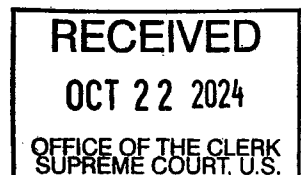
P.O. Box 5512

Texas, TX 78201

Tel: (206) 931-5636

Pro-se Applicant

October 16, 2024



Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, I'm an individual not a corporate

To: Office of the US supreme court clerk

Att: Scott Harris

Cc: Lisa Nesbitt

Background

On July 24, 2024, I submitted my application to extend the time to file a petition for certiorari. However, on July 31, 2024, the Court's Clerk, Lisa Nesbitt, returned it as untimely. In an earnest attempt to understand this decision, I called the court's Clerk on August 10, 2024. I was puzzled as to why the Fifth Circuit's last letter /order, dated May 6, which instructed not to take any action, was not considered in the calculation of the time, as it was the only Court of Appeals order I had received by then and to indicate that no further action was required.

I was contacted by another court clerk, 202 359 8912, to discuss the information provided by Mrs. Nesbitt in the return letter dated July 31, 2024. As I was unable to access the online docket, the Court's Clerk checked the Fifth Circuit docket on my behalf. The Court Clerk discovered a Fifth Circuit court memorandum denying my motion to file a petition for rehearing en banc for twelve days, dated April 22, 2024, which I did not receive until August 14, 2024. According to the Clerk, the Court of Appeals denied the motion filed on April 22, 2024, even though it was initially filed on April 18, 2024, through the pro-se fifth circuit email account. The timeline from April 4, 2024, to April 18, 2024, is less than 14 days, making it timely. The lack of transparency in these process is concerning and needs to be addressed. It is crucial to seek the intervention of this court to resolve these issues promptly and effectively.

Immediately after my conversation with this court's Clerk, I promptly contacted the Fifth Circuit clerk's office to understand why the appellate court deemed it inappropriate to send me the memorandum on April 22, 2024. This matter is of utmost importance, and I stress the need for a timely response. The transfer from one court clerk to another seemed to complicate matters, as no one was able to provide a reason for the prolonged delay in processing the order. It was only after the fourth Clerk I spoke to informed me that your motion to extend the deadline by 12 days for filing a petition for rehearing was considered late on April 22, 2024(see *petit. Infra 1a*). The Clerk did not forward it to the judges, resulting in an immediate denial of the petition. However, I am still awaiting an explanation as to why the denial of the motion was not communicated in April.

When I went to fetch my mail yesterday, August 19, 2024, at the mailbox, I found the Fifth Circuit Appeals memorandum of April 22, 2024, posted on August 14, 2024. (see Pet. cert page 15 & *infra* 1) The delay in receiving this crucial order has caused significant frustration and confusion. If it had been mailed in time, I could have asked the court to stay the judgment and appeal to this court as an emergency application if the Fifth Circuit denied a request for a stay. The court of appeal's decision to issue an order and then provide it to me four months later has deprived me of the seven-day rule to request a stay. Furthermore, the fifth circuit order delay took more than 90 days to fill the petition for certiorari, which is creating confusion with this court's rule 14.1(b)(iii) jurisdiction question(the lower court should complete the matter). While I understand that mistakes can occur, some errors may be more than mere coincidences. It is imperative that the court address this issue promptly to ensure a fair and just process. This is not just a matter of procedure but

a fundamental requirement for fair judgment and due process, a principle that must be considered. The importance of a fair and just process cannot be overstated, and I trust that the court will uphold this principle.

**Reasons For Granting an Extension of Time and Permit the Appeal of
Fifth Circuit court order dated April 22, 2024**

proceedings. If the Fifth Circuit court order from April 22, 2024, had been sent to me promptly, I would not have had to file a motion to extend the time to file a petition for rehearing en banc. Instead, I could have requested a stay of judgment until this court addresses the issues in the accompanying petition for certiorari. The order mailed on August 14, 2024, also destroyed a previously prepared document.

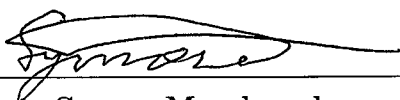
Therefore, I kindly request the court clerk to allow this late petition for certiorari, considering the circumstances beyond my control and supported by previous applications in this matter. Your understanding and consideration in this matter are greatly appreciated.

Conclusion

I respectfully request the clerk to file an out-of-time petition for the writ of certiorari, as the matters in the petition require this court's intervention.

Dated this 16th day of October, 2024.

Respectfully submitted,



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Pro-se Applicant

**Additional material
from this filing is
available in the
Clerk's Office.**