

App. No. _____

In the
Supreme Court of The United States

Roxann J. Franklin Mason,
Petitioner

v.

The United States
Respondent

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

To the Honorable John G. Roberts Jr., as Chief Justice of the United States and Circuit Justice
for the United States Court of Appeals for the Federal Circuit:

Petitioner Roxann J. Franklin Mason respectfully requests that the time to file a petition
of Writ of Certiorari in this matter be extended for 90 days to and including April 2, 2018. The
Court of Appeals issued its opinion on July 14, 2017 (see App. A, *infra*). On October 4, 2017,
the Court of Appeals denied Petitioner's request for rehearing (see App. B, *infra*). Absent an
extension of time, the Petition would therefore be due on January 2, 2018. Petitioner is filing this
application at least ten days before that date. This Court would have jurisdiction over the
judgment under 28 U.S.C. Section 1254(1).

BACKGROUND

Petitioner brought an action Respondent, the United States of America, under the Tucker Act for breach of contract, breach of the duty of good faith and fair dealing and fraudulent inducement. Petitioner settled an action under Title VII of the Civil Rights Act of 1964 with the United States in the United States District Court for the District of Columbia. The parties' written settlement was reduced to a Stipulation of Settlement and Order before the Honorable Emmet G. Sullivan. Judge Sullivan approved and entered the Order. Under the Stipulation of Settlement and Order, Judge Sullivan retained jurisdiction to enforce the Order.

Following the execution of the Consent Decree, Petitioner maintained that Respondent had breached the agreement and violated the Court Order. Petitioner demanded monetary damages for the breach and violation.

Petitioner's motion to enforce the settlement agreement and Court Order was litigated in the District Court before a Magistrate Judge. After evidentiary hearings, the Magistrate Judge filed a Report and Recommendation granting, in part, Mrs. Franklin Mason's motion to enforce the Stipulation of Settlement and Order.

The District Court for the District of Columbia Judge Richard Roberts later transferred the case to the United States Court of Federal Claims, pursuant to the Tucker Act. The Court of Federal Claims later transferred the case back to the District Court since the agreement had been reduced to a Consent Decree and the District Court retained jurisdiction.

After the Petitioner's case was transferred back to the District Court, the Court issued a Final Order, denying Franklin Mason's motion to enforce the Stipulation of Settlement and Order pursuant to the Tucker Act.

Petitioner appealed to the United States Court of Appeals for the District of Columbia

Circuit. On February 14, 2016, the D.C. Circuit vacated the District Court's order dismissing Petitioner's motion to enforce and remanded the case for transfer to the Court of Federal Claims under the Tucker Act.

On March 30, 2016, the Court of Federal Claims issued a Memorandum Opinion denying Petitioner's Motion for Summary Judgment and granting the Respondent's Cross Motion. The Court of Claims factual and legal findings were inapposite to the findings based on the same facts by the District Court.

Respondent appealed to the United States Court of Appeals for the Federal Circuit. On July 14, 2017, the Federal Circuit issued an opinion without decision. On October 4, 2016, the Federal Circuit denied Petitioner's request for rehearing.

This matter involves important questions regarding the interpretation of the Tucker Act as it relates to Consent Decrees voluntarily entered into by the United States in a United States District Court.

This matter, further, involves inapposite factual and legal findings based on the same transactions and occurrences by the District Court and the Court of Federal Claims.

Finally, this matter asks whether it is a denial of due process in violation of the Fifth Amendment to the United States Constitution for the Federal Circuit Court of Appeals to invoke Fed. Cir. R. 36 and affirm summarily in a one-word per *curium* judgment the decision of the District Court on the validity of Petitioner's claims upon summary judgment with no expressed independent analysis of the issues for which de novo review is required, thereby invoking this Court's supervisory power to correct this manifest injustice.

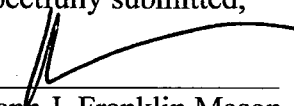
REASONS FOR GRANTING AN EXTENTION OF TIME

The time to file a Petition for a Writ of Certiorari should be extended for the requested days for these reasons:

1. Petitioner is seeking additional time to retain counsel with Supreme Court expertise to represent her in this matter. Petitioner has interviewed several such counsels and is working to finalize her retention of that counsel. That counsel, or Petitioner herself as a pro se litigant, will need additional time to prepare the Petition.

2. Petitioner's husband is in the initial stages of receiving treatment for a serious health condition. Petitioner's assistance as her husband's primary care-taker will further require additional time in order to continue interviewing counsel and preparing the Petition.

Respectfully submitted,



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Dated: December 21, 2017