

No. _____

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.

ROBERT A. COTTON,

Appellant,

v.

COUNTY OF SAN BERNARDINO, a
political subdivision, JOHN
McMAHON, as Sheriff, SCOTT
ABERNATHY, as Sheriff's Deputy,
MICHAEL A. RAMOS, as District
Attorney, TIMOTHY HASKELL, as
Deputy District Attorney, PAUL
LEVERS, as Deputy District Attorney,
PHYLLIS MORRIS, as Public Defender
fka sued as DOE 1, WILLIAM
FIGUEROA, as Deputy Public Defender
fka sued as DOE 2, DAVE SANDERS,
as Deputy Public Defender fka sued as
DOE 3, EDWARD WILSON, as Deputy
Public Defender fka sued as DOE 4, and
SHANE MATHIAS, as Deputy Public
Defender fka sued as DOE 5,

Appellees.

9th Cir. Case No.: 16-56898
(U. S. D. C., C. D. Cal. No. 5:15-cv-
2314-VAP(AGR) (C. D. Cal. 2016))

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI, DECLARATION OF ROBERT A. COTTON.**

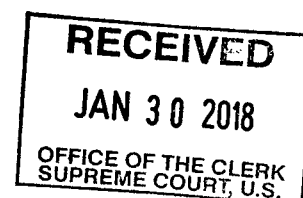
On Petition for Writ of Certiorari from the Judgment
Of the United States Court of Appeals for the Ninth Circuit.

APPLICATION PRESENTED TO THE HONORABLE ANTHONY M.
KENNEDY, ASSOCIATE JUSTICE OF THE SUPREME COURT.

ROBERT A. COTTON
P. O. Box 98
San Bernardino, CA., 92402
TEL.: (909) 266-6201
Appellant in Pro Se

Application for Extension of Time to File Petition for Writ of

Certiorari – Cotton v. County of San Bernardino - 1



APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI.

NOTICE IS HEREBY GIVEN that Petitioner Robert A. Cotton applies to this Honorable Justice for an extension of time to file his Petition for Writ of Certiorari.

Jurisdiction is based on 28 U.S.C., §1254(1).

Petitioner is seeking relief by way of Certiorari of the Judgment of the Ninth Circuit, dated November 9, 2017, in the case of *Cotton v. County of San Bernardino*, Ninth Circuit No. 16-56898. A copy of the Memorandum is attached as Exhibit “A” to the Declaration of Robert A. Cotton.

Petitioner has not received an Order Granting or Denying his Petition for Rehearing En Banc. However, Petitioner is requesting an extension of time to file for Certiorari in part because after he sent his Petition for Rehearing En Banc by Certified Mail on November 21, 2017, said Petition was received in the Ninth Circuit Mailbox on November 24, 2017, but the Ninth Circuit Clerk still insisted on filing said Petition on November 30, 2017, making it three days late. A copy of the Motion to File a Late Petition for Rehearing En Banc, along with the Postal Service Tracking Information that it was received in the Ninth Circuit Mailbox, is attached as Exhibit “B” to the Declaration of Robert A. Cotton.

Petitioner applies on the following grounds that:

1. Petitioner is likely to succeed in his Certiorari Petition in that the District Court erroneously dismissed his Complaint on the basis of “issue preclusion”, even though the case of *Manuel v. City of Joliet*, 137 S. Ct. 911, 919-920, and fn. 8 (2017), now allows a review of the lack of probable cause may be reviewed after the criminal court bound Petitioner for Trial, where he was later found **NOT GUILTY**. The case of *Sanders*

v. Jones, 845 F.3d 721, 733-735, and fn. 7 (6th Cir. 2017), *Certiorari granted, and summarily reversed on January 8, 2018*, was also summarily reversed because the Sixth Circuit erroneously ruled that plaintiff could not have her case filed in District Court because the Grand Jury indicted her. The *Manuel* Case was decided the day the Sixth Circuit denied Rehearing in *Sanders*.

2. Petitioner is requesting up to 60 days to file for Certiorari in that he wants more time to reduce his Petition to the maximum of 40 pages, in that Rehearing should have been granted in the first place. Because the Ninth Circuit disregarded the precedents of this Court, and is in conflict with the Second, Third, Sixth, and Tenth Circuits, and the California Court of Appeal, First Appellate District, Petitioner would like to discuss these issues in his Petition to the extent the issues will fit within the 40-page maximum.

Petitioner requests that he be given up to 60 days to file his Certiorari Petition, or in the alternative, that this Application be denied without prejudice on the basis that the Ninth Circuit timely received the Petition for Rehearing En Banc in its mailbox on November 24, 2017.

///

///

///

///

///

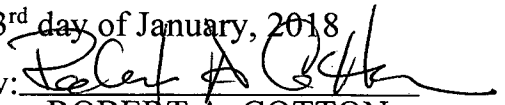
///

///

This Application would be based on the Declaration of Robert A. Cotton, the record of proceedings before the District Court and the Ninth Circuit, and on any oral or documentary evidence that may be presented at the consideration of this Application.

Dated this 23rd day of January, 2018

Bv:


ROBERT A. COTTON
P. O. Box 98
San Bernardino, CA.,
92402
TEL.: (909) 266-6201
Appellant in Pro Se

DECLARATION OF ROBERT A. COTTON.

I, Robert A. Cotton, declare that:

1. I am the Appellant in the above-entitled Appeal. If I am called to testify as a witness, I would competently and truthfully testify under oath.
2. Jurisdiction of my Petition is based on 28 U.S.C., §1254(1).
3. I am seeking relief by way of Certiorari of the Judgment of the Ninth Circuit, dated November 9, 2017, in the case of *Cotton v. County of San Bernardino*, Ninth Circuit No. 16-56898. A copy of the Memorandum is attached as Exhibit “A” to this Declaration, and incorporated by reference.
4. On November 20, 2017, I certified mailed to the Ninth Circuit my Petition for Rehearing and Petition for Rehearing En Banc, along with letting requesting publication, and my Motion to Exceed Word Limits.
5. When I was at the San Bernardino Post Office on November 20, 2017, one of the postal clerks told me that my Certified Mail was going to get there by November 24, 2017, and the receipt stated that it would get there by that date. Either the employees in the Postal Service let my mail sit somewhere awhile, or somebody in the Ninth Circuit’s Clerk’s Office decided to let my filings sit somewhere awhile, and then claim it was filed late. Otherwise, my filings should have arrived ***November 21, 2017***. In fact, the Petition and other documents were received at P. O. Box 193939 on ***November 24, 2017, at 10:42 a. m.***, which copy of the Motion to File a Late Petition for Rehearing En Banc, along with the USPS Tracking Report, is attached as Exhibit “B”, and incorporated herein by reference.

6. I am likely to succeed in my Certiorari Petition in that the District Court erroneously dismissed my Complaint on the basis of “issue preclusion”, even though the case of *Manuel v. City of Joliet*, 137 S. Ct. 911, 919-920, and fn. 8 (2017), now allows a review of the lack of probable cause may be reviewed after the criminal court bound me for Trial, where I was later found **NOT GUILTY**. The case of *Sanders v. Jones*, 845 F.3d 721, 733-735, and fn. 7 (6th Cir. 2017), *Certiorari granted, and summarily reversed on January 8, 2018*, was also summarily reversed because the Sixth Circuit erroneously ruled that plaintiff could not have her case filed in District Court because the Grand Jury indicted her. The *Manuel* Case was decided the day the Sixth Circuit denied Rehearing in *Sanders*.
7. I am requesting up to 60 days to file for Certiorari in that I wants more time to reduce my Petition to the maximum of 40 pages, in that Rehearing should have been granted in the first place. Because the Ninth Circuit disregarded the precedents of this Court, and is in conflict with the Second, Third, Sixth, and Tenth Circuits, and the California Court of Appeal, First Appellate District, I would like to discuss these issues in my Petition to the extent the issues will fit within the 40-page maximum.

///

///

///

///

///

///

///

8. I therefore request that I am given up to 60 days to file my Certiorari Petition, or in the alternative, that this Application be denied without prejudice on the basis that the Ninth Circuit timely received the Petition for Rehearing En Banc in its mailbox on November 24, 2017.

Under the penalty of perjury, I declare that the foregoing is true and correct, and that this declaration was executed on January 23, 2018, at San Bernardino, California.



ROBERT A. COTTON,
Declarant.