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In the Supreme Court of the United States

MARTIN L. COHEN, pro se,
Petitioner,

v.

ROBERT CAPERS, the US Attorney for the Eastern District of New York;
BRIAN HICKEY, the Special Agent in Charge of the US Department of Education's Inspector
General's Northeast Office; and MARIA PASCALLI, an Intake Officer of the Federal Bureau of
Investigation, in their official capacities as employees of the United States,
Respondents.

APPLICATION FOR AN EXTENSION OF TIME TO FILE

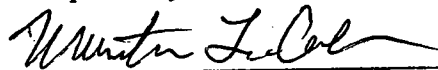
Petitioner, Martin L. Cohen, moves for an extension of time to file his Petition for Writ of Certiorari. Mr. Cohen had appealed from decision of the United States District Court for the Southern District of New York to the United States Court of Appeals for the Federal Circuit. On Nov. 16, 2017, the Federal Circuit issued an Order denying the appeal on the issue of jurisdiction. Mr. Cohen, as a matter of right, under Part III, Rule 10(c) of the Supreme Court of the United States is entitled to 90 days in which to file his Petition for Writ of Certiorari with this Court. Now, Mr. Cohen, under the recent care of an oncologist / urologist seeks an extension of time to submit his Petition for Writ of Certiorari.

January 28, 2018

Ms. Ellen Blain, Esq.
Assistant US Attorney
for the Southern District of NY
86 Chambers Street – 3rd floor
New York, NY 10007
(212) 637-2743

Attorney for the Respondents

Respectfully submitted,



Martin L. Cohen, pro se
1662 Old Country Road #143
Plainview, New York 11803
(516) 364-7632
mart32753@aol.com

Petitioner

I. JURISDICTION

The judgment of the US Court of Appeals for the Federal Circuit was entered on November 16, 2017. Exhibit A. Petitioner subsequently filed a motion to reinstate, and to extend the time to file a motion for reconsideration which was denied on December 28, 2017. This Court's jurisdiction is invoked under Part III, Rule 10(c) of this Court's Rules which states that:

"..... a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this court." (emphasis provided)

In the instant case, the appellate court asserts a highly restricted role, as the exclusive arbiter of US patent law cases under 28 USC 1292 – "Interlocutory Orders of All Matters" and 28 USC 1292 - "Jurisdiction of the US Court of Appeals for the Federal Circuit." (Exhibit A – Federal Circuit Order, dated Nov. 13, 2017, page 2, para.2), as the basis for limiting jurisdiction.

However, the successful passage of the entire statutory framework encompassed by the US Congress under 28 USC 1295(a)(2) – "Jurisdiction of the US Court of Appeals for the Federal Circuit" and, 28 USC 1346 – "United States as a Defendant" lays out a broader and more appropriate view of the Court's jurisdiction.

II. PARTIES TO THE PROCEEDING

Martin L. Cohen, pro se, identified in the caption, is the only petitioner.

Respondents are Robert Capers, the (former) US Attorney for the Eastern District of New York; Brian Hickey, the Special Agent in Charge of the US Department of Education's

Inspector General's Northeast Office; and Maria Pascalli, an Intake Officer with the Federal Bureau of Investigation, in their official capacities, as employees of the United States.

III. REASONS FOR GRANTING AN EXTENSION OF TIME

The petitioner, Martin Cohen, is a cancer survivor, and has undergone recent medical investigative surgery to uncover the possibility of a related cancer. This medical procedure left Mr. Cohen bleeding excessively for several days and left him in pain. This setback cost Mr. Cohen lost time and partial incapacitation. He lives alone and must care for himself.

The lost time was from December 30, 2017 until January 22, 2018, a total of 22 days of time needed to prepare his petition for writ of certiorari. Exhibit B. Therefore, Mr. Cohen seeks the entire 60 day extension allowed under the Court's rules Part II, Rule 12(5), or at a minimum, an additional 22 days to prepare his documents.

IV. THE HANDWRITTEN COMPLAINT

Although the Federal Rules of Civil Procedure clearly allow handwritten pleadings, it appears that this has been the source of some consternation. In the lower court decision, the Court cited 234 pages the handwritten Complaint. Even when it was clearly demonstrated that this was equivalent to roughly 30 pages of typewritten complaint, there seemed to be a concern that it was handwritten. (This may be understandable, however, it was handwritten to avoid being hacked at the time). In the interests of clarity and readability, a typewritten copy of the Complaint is attached.

V. A MATTER OF HIGH PUBLIC IMPORTANCE

As indicated in the petitioner's typewritten Complaint (Page 24) this matter involves a misuse of taxpayer funds, possibly as much as \$30,000,000. The application of 28 USC 1361 – "An action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff" therefore is highly appropriate. "Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of particular emergency or public importance, *LaBuy v. Howes Leather Co.*, 352 US 249 (1957) and *US v. Garr*, 461 F.2d 1 (7th Cir., 1972).

A cover-up of \$30,000,000 by a US Department of Education Inspector General ought to qualify as a matter of high "public importance." The provisions in 28 USC 1361 conveys the US District Court important powers over an individual, such as an officer or employee. In this case, the Petitioner had a financial interest in the common stock of the for-profit college involved where the federal funds were involved. This financial interest held by the Petitioner created a duty for the Inspector General to "inspect" and conduct either a civil or criminal investigation, as required in his position description. Exhibit C.

This is not a case involving minor acts of corruption. It involves a conspiracy to commit public/ private taxpayer fraud on a very high-level. The Petitioner made a prima facie case of violations of federal regulations governing Title IV Funds. This was supported by files of documentary evidence that were personally delivered to the Inspector General in his New York City office, but was willfully ignored. In sum, this was a unique circumstance that required the unique remedies under 28 USC 1361, and the lower court erred in dismissing the complaint.

The full issue of jurisdiction will be addressed in the Petition for Writ of Certiorari. It is understandable that the lower court did not comprehend the higher education regulatory process since these situations are extremely rare. However, the Petitioner specializes in this area.

VI. CONCLUSION

In light of the high importance of this matter, and the possibility that taxpayer money has been obtained by fraud and / or corruption, the petitioner seeks an extension to file the Writ of Certiorari. Ideally, the Petitioner seeks the full 60-day extension available under Part II, Rule 13(5). However, at a minimum, he seeks an extension of 22 days, as explained above.

January 31, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin L. Cohen", written over a horizontal line.

Martin L. Cohen, pro se

Petitioner

OUR PRAYER FOR THE US CONSTITUTION

We pray for the US Constitution, its values and principles that we have all been taught,

We pray for the US Servicemen and others who gave their lives to uphold the US Constitution,

We pray for the independent US Judiciary, who administer justice, and have the power to see through those who are not truthful, for without truth, we are all doomed,

Bestow upon our judges and magistrates, the strength to resist and counter those that use their power against them,

Dishonesty from within our system of government does more damage to the US Constitution than any foreign power could ever do,

Therefore, we pray for the US Constitution and for those that uphold justice on behalf of the American people.

Amen.