

ORIGINAL
JAMES R. AUSTIN, AK6078
R.J. DONOVAN CORR. FACILITY
480 ALTA ROAD, FD-18-110L
SAN DIEGO, CA 92179

PETITIONER IN PRO SE

IN THE SUPREME COURT OF THE UNITED STATES

JAMES R. AUSTIN,	)	CASE NO. S244748, CA SUPREME CT.
PETITIONER	)	COURT OF APPEAL, SECOND
	)	APPELLATE DISTRICT, DIVISION 3
V.	)	CASE NO. B270071 /SUPER BC546155
	)	
STATE OF CA. COURT OF APPEAL	)	APPLICATION FOR AN EXTENTION
SECOND APPELLATE DIST., DIV 3	)	OF TIME FOR FILING PETITION FOR
	)	WRIT OF CERT, RULE 13, SEC. 5

PETITIONER IS AN INCARCERATED INMATE, INDIGENT, AND FILING THIS REQUEST PRO SE AND IN FORMA PAUPERIS, WITHOUT LEGAL TRAINING. On November 15, 2017 the Supreme court of California denied my petition for review of the above referenced case from the California Court of Appeals, Second Dist., Div. 3. I am relying upon the advice of the prison library staff in making this application in order to protect my opportunity to file a Petition for Review on Certiorari. Due to the disabilities inherent in incarceration I am unable to obtain copies of all the documents but have included the order of the Superior court and the UNPUBLISHED order of the Court of Appeals, and the denial by the CA Supreme Court for review.

The reason for this request for extention of time is due to the pending status of a sister case being litigated in the same appellate court before the same judges. The outcome of the case involving nearly identical issues (breach of contract) by two private attorney firms who abandoned me and refused to return unearned fees, will possibly resolve the issues currently in contention. I appeared via telephone for oral argument on February Sixth, 2018 in the same appellate court and presented new authorities which may convince the court that the ruling in the above case (Swarth B270071) was in error. Thus, if the Appellate Court rules in my favor on the pending (Austin v. Medicis et al/ B277546/BC521033) case, the need to petition the U.S. Supreme Court may go away. If they rule against me again then both cases will be appealed either to the Federal CXourts or to this Supreme Court on the basis of due process violations of the U.S. Constitution amendmants V & XIV.

Please excuse any procedural acts or ommissions in the form of my Application due to my Pro Se situation and my old age. DOB 12/25/42 (Fee Waivers have been granted by the courts in all the prior actions.)

Respectfully Submitted,


James R. Austin AK6078

cc:file
Enclosures