

Plaintiff-Appellant's Motion To SCOTUS Requesting
Additional Time To Complete Petition For Certiorari

as specified in that USSC rule. By granting Plaintiff-Appellant's motion, the petition for a writ of certiorari would then appear to be due to be submitted to the Court on Monday, May 14, 2018. Moreover, as District Court's 9January2018 Stay On enforcement of District Court's final judgment extends only to 27March2018, Plaintiff-Appellant requests the Court extend the stay on enforcement of District Courts Judgment and Orders to extend until the Court enters its final judgment on this matter.

II. Timely Filing Of Motion

Plaintiff-Appellant has completed, signed, and posted the above-said motion by the due date and also mailed this motion by Overnight Priority Express mail to the Court. In all other levels of federal judicial action that has served to satisfy the requirement to "submit to the Clerk" by the date required, and Plaintiff-Appellant prays that the Court will also consider this as meeting that requirement to submit this motion. As Pro Se Plaintiff-Appellant will verify in his petition for a writ of certiorari, this is a case of compelling interest to millions of American workers regarding the security of their retirement income, and Plaintiff-Appellant argues the Court would surely not wish to miss an opportunity to protect the security of the retirement income for those millions of American workers on a mere technicality. Especially where Plaintiff-Appellant would have been considered to have met the requirement "to submit to the Clerk" by the due date in all other levels of federal courts.

III. Opinion and Orders of Lower Courts

Attachment-1 contains a copy of the December 15, 2017 Order by the United States Court of Appeals For The Tenth Circuit (USCA) denying plaintiff-Appellant's motion for en banc rehearing of his appeal 17-4002. **Attachment-2** contains a copy of the USCA's October 25, 2017 Order And Judgment denying Plaintiff-Appellant's Appeal 17-4002, and that is the opinion and order Plaintiff-Appellant is seeking to be reviewed according to his petition for a writ of

certiorari being prepared by Plaintiff-Appellant that he shall file on or before 14May2018 by leave of the Court.

IV. Listing Of Good Cause Circumstances
Applicable to Extending the Due Date for Filing Plaintiff-Appellant's
Petition for a Writ of Certiorari

1. The Necessity to draft and submit several motions to several levels of the federal judiciary:

a. The Court's Case Analysis Office, in agreement with USSC Rule-223, required Plaintiff-Appellant to apply first to the lower federal courts to obtain (1) a stay on enforcement of the judgment and orders of the Utah Federal District Court (District Court) in case 15-00108, and (2) an injunction to bar Defendants from resuming distribution of benefits until The Court has evaluated Plaintiff-Appellant's petition for a writ of certiorari and, if certiorari is granted, until arguments on the merits have been filed and ruled on. Based on that, Plaintiff prepared and submitted to District Court on 8January2018 (1) his Docet-129 Motion for Injunction and (2) his Docket-130 Motion for Stay on Enforcement of District Court Judgment. That was a major effort for Plaintiff-Appellant as a pro se litigant requiring approximately three weeks of effort including some all-night sessions with almost no sleep. District Court issued their January 9, 2018 Docket-131 Order, as received by Plaintiff-Appellant on 13January2018, granting Plaintiff-Appellant's Motion for a stay on enforcement of District Court's final judgment and orders, but only through 27March2018, and therefore Plaintiff has included in this motion a request for the Court to also extend that stay until the Court's final ruling in this matter. However, District Court denied Plaintiff-Appellant's motion for Injunction (see Attachment-3).

b. In accordance with The Court's Case Analysis Office instructions, Plaintiff then submitted his injunction motion to USCA on 23January2018, and on 1February2018 received a USCA Clerk's letter dated January 24, 2018 (see Attachment-4) stating that USCA no longer

has jurisdiction in the case, would not accept any further submittals, nor answer any further correspondence on the matter. Plaintiff-Appellant then immediately prepared his injunction motion for submitting to The Court, and did submit that motion on 6February2018. But thus far Plaintiff-Appellant has had no response from the Court on his 6February2018 motion for an injunction on Defendants.

c. During all of this work, Plaintiff-Appellant perceived that he was constantly being harassed by some sort of surveillance agents and that the perceived harassment added extra time needed to complete each and every task. Then on 25January2018, Plaintiff-Appellant perceived that these agents were raiding his home, and aborted a trip to the Weber County Library where Plaintiff-Appellant uses their PC's and where Plaintiff-Appellant on that day returned home in an effort to protect his property. Then Plaintiff-Appellant deemed it necessary to invest even more time in preparing a formal complaint to the US Senate Judiciary Committee's Whistleblower website to document his experience, and emailed that complaint on 30Januaey2018. That whistleblower email was included as Appendix-4 in the separate Appendix Document attached to Plaintiff's 1Mach2018 Motion for the Court's Permission to proceed In Forma Pauperis (IFP).

d. Moreover, in preparing that IFP motion, Plaintiff soon discovered that his only copy of District Court Magistrate Judge Furse's Docket-68 R&R, an essential document, was now missing from his files where he had placed it only days before, presumed to have been taken in the perceived 25Januaey raid on Plaintiff's home. That required Plaintiff to recreate that document from PACER, a time-consuming task for the inexperienced pro se Plaintiff, but also to prepare an additional affidavit on that subject that appears as Appendix-3 in the above-said Appendix Document to the IFP motion.

e. All of the above clearly documents that Plaintiff has simply been overwhelmed with preparing and submitting a multitude of documents such that he has had very little time to devote to actually preparing a petition document. Plaintiff argues that the foregoing alone easily represents "good cause" for granting Plaintiff a full sixty-day extension to prepare his petition for

a writ of certiorari in a case of such compelling public interest, but that is not even all of the story.

2. Plaintiff-Appellant Is An elderly Layman Pro-Se Litigant:

If all the above was not enough for any litigant to deal with, plaintiff-Appellant argues that the Court should also consider that Plaintiff is a pro se litigant with no training and very limited experience, and absolutely no secretarial help. Plaintiff must constantly look up rules in his copy of *Federal Civil Judicial Procedure Rules* to read and try to understand just what he needs to do and how to do it. And sometimes Plaintiff-Appellant doesn't even know what he's looking for or where to find it. That adds time to everything Plaintiff-Appellant needs to do. Moreover, Plaintiff-Appellant will be eighty-one (81) years old in July, and so he can no longer work, think, or even read as fast as a younger man might. Everything takes more time to accomplish.

3. Domestic Situation Makes Plaintiff-Appellant Much Less Productive:

a. Plaintiff-Appellant lives alone and thus he must take care of ALL of his own domestic needs. If Plaintiff-Appellant needs a meal, he must prepare it himself and clean up himself. There is no one else to do it. When Plaintiff-Appellant needs clean clothes, he must load clothes in the washer and then into the dryer. There is no one else to do it. This winter has been mild compared to last year, but it does still occasionally snow, and there is only himself to clear the porch, steps, and walks and spread salt.

b. Until Plaintiff-Appellant can acquire access to his pension benefit there is no way he can afford a car. Even the battery powered bicycles plaintiff has used in the past have recently, suddenly, and suspiciously ceased to operate, suggesting maybe sabotage. Plaintiff cannot afford to replace them. That means whenever Plaintiff needs to go somewhere he must ride a public UTA bus for both personal and court-related business. That makes Plaintiff-Appellant subject to the UTA schedules and requires much walking to and from bus stops burdened with items Plaintiff-Appellant doesn't dare leave at home to maybe be confiscated by rogue surveillance

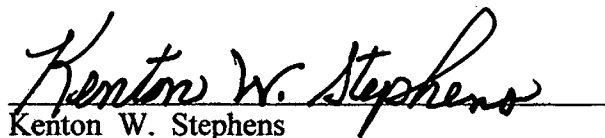
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agents. However, Plaintiff-Appellant can NOT take everything with him. And a trip to the Roy USPO is a half day affair. And when Plaintiff rides the UTA bus to go grocery shopping at Walmart and have a Taxi take him and his groceries home, it's an all-day affair, and it is too expensive to do it very often. All of this time is of course time not available to prepare legal papers. Plaintiff-Appellant argues that his unique domestic situation is a major contributor to "good cause" circumstances justifying the Court to grant Plaintiff-Appellant a full sixty day extension to submit his petition for a writ of certiorari.

V. Conclusion

Based on the Section-I Definition of Jurisdiction, the Section-II arguments for this motion being timely filed, the Section-III Lower Court Orders, and the Section-IV List of "Good Cause" Circumstances, the Court should Grant Plaintiff-Appellant the Section-I Motion.

Dated this 4th day of March, 2018.


Kenton W. Stephens

Attachment – 1
December 15, 2017 Order
By
US Court of Appeals For Tenth Circuit
Denying Plaintiff-Appellant's Motion
For
An En Banc Rehearing
Of His
Appeal Case 17-4002

12/20/2017

UNITED STATES COURT OF APPEALS

FILED
United States Court of Appeals
Tenth Circuit

FOR THE TENTH CIRCUIT

December 15, 2017

Elisabeth A. Shumaker
Clerk of Court

KENTON W. STEPHENS,

Plaintiff - Appellant,

v.

No. 17-4002

**ALLIANT TECHSYSTEMS
CORPORATION; FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONAL COMPANY,**

Defendants - Appellees.

ORDER

Before HARTZ, McKAY, and MATHESON, Circuit Judges.

Kenton Stephens filed a petition and amended petition for rehearing en banc. His amended petition was transmitted to all of the judges of the court who are in regular active service. No member of the panel and no judge in regular active service requested the court to be polled, so Stephens' amended petition for rehearing en banc is denied.

Stephens' motion to withdraw his prior motion to hold oral argument by videoconference is granted.

Entered for the Court

Elisabeth A. Shumaker

ELISABETH A. SHUMAKER, Clerk

Attchment-2
October 23, 2017 Order And Judgment
By
US Court of Appeals For Tenth Circuit
Denying Plaintiff-Appellant's
Appeal 17-4002