

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

MARLON ABRAHAM ROSASEN

Petitioner,

V.

THEA MARIE ROSASEN,

Respondent.

On Application for an Extension of Time to
File Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

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

MARLON ABRAHAM ROSASEN

Pro Se

19453 Pacific Coast Hwy

Malibu, CA 90265

(323) 561-4001

Rosasen.ma@icloud.com

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**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Petitioner Marlon Abraham Rosasen states that he has a California nonprofit corporation named the Universal Family Rights Institute, with no parent corporation and no publicly held company owning 10% or more of its stock.

To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Marlon Abraham Rosasen respectfully requests that the time to file Petition for Writ of Certiorari be extended for 60 days up to and including August 17, 2023. The United States Ninth Circuit Court issued a Mandate closing the case on March 29, 2023, (Appendix ("App.") A). having denied rehearing en banc on March 21, 2023, (App. B) of the January 9, 2023, Memorandum. (App. C). The district court ordered trial rescheduled for April 7, 2020, but vacated trial March 31, 2020 (App. D), after Respondent alleged the parties jointly agreed to forfeit trial and planned motion to dismiss for perjury and criminal harassment due to Covid-19.

Absent an extension, the Petition for Writ of Certiorari is due June 19, 2023. Petitioner is filing this Application more than ten days before that date. See S. Ct. R. 13.5. This Court has jurisdiction over the judgment under 28 U.S.C. 1254(1). Respondent counsel has refused to respond and therefore considered to not have taken a position on Petitioners request.

Background

D.T.R. and L.A.R., (“the Children”), a girl and a boy, are twins, born as American citizens abroad, in July 2015, by parents who married and established a family life in the United States. By searching open sources online on Norway’s human rights violations in Child protection cases and reviewing a recent Netflix movie, Mrs. Chatterjee vs. Norway, based on true events, it becomes clear that the April 7, 2020, bench trial should not have been vacated and that removing the Children did violate fundamental human rights.¹

Unlike other abduction cases filed under the Hague Convention, where allegations of violence, sexual, and or physical abuse existed, here the parties were the result of a loving relationship built on perseverance, from 2013-2019. This changed in 2019, resulting in Petitioner being accused of child abduction and or wrongful retention by using Respondent as a proxy, in order to abduct and hide the Children in Norway, since April 3, 2020. See *Rosasen et. al. v. Norway et. al.* No. 22-55980 (9th Cir.) and *Larry Risk v. Norway*, 707 F. Supp. 1159 (N.D. Cal. 1989). (App. E).

¹ <https://www.netflix.com/title/81508378>

Fundamental rights are not discretionary to be set aside during National Emergencies and as here resulting in abduction and deprivation of the Due Process Clause of the Constitutions Fifth Amendment, which in relevant part states:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The case here before the Court lacks precedence as it is one of a foreign State's disregard for U.S. laws and treaty obligations and failure to respect the parties' rights to family life, as protected by the Constitution.

The Constitution awards fundamental rights. One of these, The Rights of Parents: Is a Fundamental Liberty Interest, Protected by the Fourteenth Amendment of the Constitution. This Court has recognized the rights of parents to be an active and integral part of their children's lives as "*perhaps the oldest of the fundamental liberty interests*" recognized by {the Supreme} Court." *Troxel v. Granville*, 530 U.S. 57 (U.S. 2000).

The foreign State's arbitrary removal of Children in a way not recognized as justified by the international community, is well documented. Norway has been found guilty of violations of Article 8 of the European Court of Human Rights ("ECHR"), right to family life more times than the other 46 countries member of the International Court, combined. Here the Central Authority for the foreign State, violated and continue to violate treaty obligations under the Hague Convention Civil Aspect of International Child Abduction, ("Hague Convention"), Vienna Convention on Diplomatic Relations, The Universal Declaration on Human Rights and the United Nation Convention on the Rights of the Child, ("UNCRC").

On May 29, 2019, the Norwegian Immigration denied Petitioner a temporary work visa and instead expelled Petitioner for 10-years. This is due to several factors but under all circumstances, violated fundamental principles of law. The immigration services concluded based on other sources that the family lived in the United States, could continue to do live in the United States, and therefore did not violate Respondent fundamental rights to family life.

On July 2, 2019, Petitioner returned to the United States. On July 4, 2019, Respondent informed Petitioner that the Norwegian Child Protective Services (“NCPS”) had opened a custody removal case and summoned her to bring the Children in for questioning on July 18, 2019. Respondent as a result removed the Children to Denmark on July 11, 2019. On July 31, 2019, Respondent provided oral and written permission for Petitioner to return with the Children to California. Respondent subsequently failed to return August 30, 2019.

The Children’s habitual residence being California, is supported by; 1. The Children having all vaccinations for enrollment in the California public school system, until age 11. 2. The parties joint work history in California; 3. Daycare and Pre-school statements; 4. The U.S. Central Authority, The Department of State, Office of Children Issues, (“DOS”) return Petition to Norway for return of the Children to California on October 26, 2020, shows DOS conclusion after the facts, here conflicts with U.S. Courts; And 5. the wrongful retention since, supports that the lower Courts in fact erred. (App. F).

After Respondent failed to return on August 30, 2019, Petitioner filed for separation and joint custody on September 23, 2019, at the Superior Court of the State of California for the County of Los Angeles, No. 19STFL11397 and served Respondent. Following this, Respondent filed a Petition under the International Child Abduction Remedies Act, (“ICARA”). 22 U.S.C. 9003(b).

On November 7, 2019, the Petition was received by DOS, who returned the Petition on November 20, 2019, due to discrepancies and for Respondent to sign a consent form for DOS to inform Petitioner of the Petition and attempt an Alternative Dispute Resolution, consistent with The Hague Convention’s Article 8.

Norwegian officials instead did not respond to DOS and retained and financed a large U.S. law firm for Respondent, in order to circumvent; 1.) DOS function as the Central Authority under the Hague Convention; 2.) Petitioner’s September 23, 2019, California State Court separation proceedings due to abandonment; 3.) Law Enforcement in both jurisdiction; and 4.) The State court No. 20-STHC-00001 by failing to inform the State court of No. 19STFL11397 and under-seal denied request for an Arrest Warrant for Petitioner on December 23, 2019, in No. 19-cv-10742-JFW. The Arrest Warrant was denied due to prior contradictory knowledge by the district court of Petitioner in *United States v. Marlon Abraham Rosasen*, No. 16-CR-00502-JFW. (C.D. Cal. July 18, 2016), causing the court to raise concerns the actions seemed retaliatory.

On January 10, 2020, Respondent failed to appear, and Petitioner was informed by the State Court Judge in No. 19STFL11397, that the proceedings were stayed until April 20, 2020, pending No. 20-STHC-00001.

After the Children and Respondent were reunited, Petitioner more aware of the pressure Respondent was under, dismissed separation and joint custody case No. 19STFL11397, on January 29, 2020. On February 4, 2020, Petitioner removed the Hague Convention to district court as *Marlon Abraham Rosasen v. Thea Marie Rosasen*, No. 20-cv-01140-FMO, (C.D. Cal. February 4, 2020), due to Civil Rights violations. As a result, Petitioner discovered the under-seal Petition here upon review. Respondent's counsel declined to disclose to the Superior Court in No. 20-STHC-00001, that the arrest warrant had previously been sought but denied at the district court. (App. G). On January 12, 2020, Respondent again left the Children.

On March 31, 2020, the district court vacated trial, as Respondent alleged the parties jointly had requested a tentative ruling and statement of decision, at a time Petitioner's counsel had contracted Covid-19, and the district court had continued trial to April 7, 2020. As a result, the Children were removed without Petitioner being served or ability to appeal, request a Stay, or say good-bye on April 3, 2020.

That Respondent's counsel knew that the events were unlawful, is supported by Respondent's statements to NCPS in June 2020. Quote: *She wanted the Children to say goodbye, but the attorneys told her they needed to leave the country right away, because if father managed to file emergency orders with the Court, they could risk being stuck in the country and having to co-parent.* Unquote. (App. H).

On October 26, 2020, after Respondent terminated phone contact in June 2020, DOS sent a return Petition for the Children to California due to wrongful retention, which was denied, but Norwegian courts stated it might reconsider if U.S. courts ordered return due to grave errors of law.

The decision violated Hague Convention as it failed to consider interim physical access Orders that could have been made legally binding in both jurisdictions. Instead, it alleged that Petitioner could file for custody in court if unsatisfied. However, the Hague Convention's Article 16 prohibits this pending appeal. No transcripts are available as court reporters do not exist, believed similar in Europe, only to Albania and Belarus.

On December 7, 2020, the circuit court granted Motion to Appoint Counsel, before vacating the same on August 13, 2021. On August 24, 2021, Petitioner filed

a Complaint against Norway and executed Proof of Service, September 24, 2021². For further explanation of background, and given there is no Opinion to rely on, Petitioner refers to the Opening, Answering and Reply briefs, and Excerpts³.

The Children were denied access to Petitioner for their 5th, 6th, and 7th birthday, in violations of the district court March 31, 2020, Orders. The district court on page 15 of 16, expected Norway from time to time, to lift the re-entry ban to accommodate for the Children's needs to see their father, Petitioner. Instead, Norwegian officials denied Petitioner a re-entry Visa, 4 times, threatened Respondent with physical custody removal and continue to refuse to provide information on the location, health and well-being of the Children or enter a plea in *Rosasen et. al. v. Norway et. al.* Given the facts, the lower court abused its broad discretion, violating Constitutional rights, and the Children are considered missing, similarly as in *Larry Risk v. Norway*, 707 F. Supp. 1159 (N.D. Cal. 1989).

On December 20, 2021, Petitioner filed a Hague Convention Petition for Access to the Children, but Norwegian Officials denied forwarding the Petition to the Courts. It is unknown if Respondent was informed of said Petition.

In summary it took the circuit court 33 months to search for counsel, deny an Opinion as is customary and instead issue a Memorandum. The Hague Convention was implemented into U.S. law as 22 U.S.C. 9001(b)(2), to deter, and not as here, to abduct and hide children.⁴

This Court has jurisdiction upon granting of Writ of Certiorari, to Order a return under Article 18 of the Hague Convention. This Court has expressed that abductions and wrongful retention should not become lawful due to the passage of time and would in this case, set a new unconstitutional precedence.

Reasons for Granting Extension of Time

The time to file a Petition for a Writ of Certiorari should be extended for 60 days for the following reasons:

² The Proof of Service was not accepted by the district court in *Rosasen et. al. v. Norway et. al.* C.D. Cal. 21-cv-06811-SPG-SP, see Docket No. 12, 14, 15, 17, 25, 32, 34, 35, and 46 for relevant facts.,

³ Appellee Excerpts of Records are 2263 page and inaccurately labeled as Appellant Excerpts, it is not.

⁴)<https://youtu.be/JY2FZyPPXnl> or <https://app.cimediacloud.com/r/PKDjBwbOlCXY>

Password: CBSNews23

1. Petitioner has recently signed an engagement with Herischi Human Rights Law Center, a Division of Herischi & Associates at 7201 Wisconsin Ave, Suite 440, Bethesda, MD 20814. www.ibhlaw.com. The law firm has not been involved in the litigation below and will therefore need additional time to familiarize themselves with the record and prepare a concise petition of maximum helpfulness to the Court.
2. As the case presents issues of fundamental Constitutional rights, that lacks precedence and risks setting an unconstitutional case law, an extension allows the Department of Justice, Department of State, and others, to have the proper time to consider the merits for filing Amicus briefs.
3. Brief in *Rosasen v. Norway*. (9th Cir. 22-55980), is due June 23, 2023.
4. The District Court vacating trial based on misrepresentation of facts and the Circuit Court granting and revoking appointment of counsel and issuing an Memorandum incorrectly citing *Colchester v. Lazaro*, 16 F. 4th 712, 729, (9th Cir. 2021)⁵, *Monasky v. Taglieri*, 140 S. Ct. 719, 723(2020)⁶, and *Asvesta v. Petroutsas* 580 F 3.d 1000, 1004(9th Cir. 2009) when all these cases had bench trial and interim visitation, and therefore not comparable, lacks precedence, that further supports granting this Application for an extension.
5. Given the facts, granting extension of time benefits the Court and may help the Children and Respondent be able to restore rights to interim physical access pending litigation.
6. An extension of time will not cause prejudice to Respondent as this Court would likely hear oral arguments and issue its opinion no earlier than the October term, regardless of whether an extension is granted.
7. Extension will give Respondent time to verify a). that the Children are in her physical custody, that they are physically well, b). that it is true as Petitioner alleges, that Respondent has hidden the Children since 2020, and c). that Norway paid legal fees for Respondent, which as of May 8, 2020, was \$334,399.00. The district courts Docket 125-1, invoice, was redacted without obtaining the district court's permission, and a nonredacted version is sought, in order to better prepare a Writ of Certiorari.
8. Additional time will benefit Petitioner reviews for merits for Motions to locate the Children and have them evaluated by a U.S. Psychologist to assess their emotional, and physical well-being.

⁵) courts "are accordingly vested with broad discretion to fashion appropriate procedures".


⁶ habitual residence is reviewed for clear error.

Conclusion

For the foregoing reasons, Petitioners respectfully request that the time to file the Petition for a Writ of Certiorari in this matter be extended for 60 days, up to and including August 17, 2023.

Dated: June 8, 2023

Respectfully Submitted,



MARLON ABRAHAM ROSASEN

Pro se

19453 Pacific Coast Hwy

Malibu, CA 90265

(323) 561-4001

Rosasen.ma@icloud.com