

**In The  
Supreme Court of the United States**

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PAIGE C. SULLIVAN  
N/K/A PAIGE C. AUER, ,

Petitioner,

v.

JACOB JAMES CULWELL,

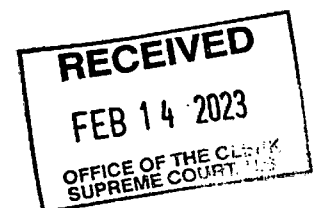
Respondent.

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**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR A  
WRIT OF CERTIORARI TO THE FIFTH DISTRICT COURT OF APPEAL  
OF THE STATE OF FLORIDA**

To the Honorable Justice Clarence Thomas, Associate Justice of the United States Supreme Court and Circuit Justice for the Eleventh Circuit:

Petitioner requests an extension of time to file her Petition for a Writ of Certiorari. Petitioner requests a forty-five day extension of time from February 13, 2023 to March 30, 2023. The order of the Fifth District Court of Appeal, which affirmed the order of the Circuit Court without opinion, was entered October 11, 2022, is attached hereto, and may be found at 2022 Fla. App. LEXIS 6832, 2022 WL 6612992. An order denying rehearing, which is also attached, was denied on November 15, 2022. No further review is available in the Florida State Courts. Jurisdiction of this Court to review the order and judgments being invoked pursuant to 28 U.S.C. § 1257.



The petition for certiorari raises a serious question concerning the rights of parents to custody of their children over the rights of non-parents. The Circuit Court, affirmed by the Fifth District Court of Appeals, applied what it perceived a best interests analysis to grant custody to a non-parent. The decision is in conflict with the decisions of this Court on the subject.

It is undisputed that Respondent JACOB JAMES CULWELL is not the father of B.C. In a June 26, 2014 parenting plan, the Superior Court of Washington, County of Kitsap, among other things, granted Appellant Paige Auer, full custody of J.C., Jr., then two years old. R78-R84. There is no mention of the other child in the order, B.C., because Appellee Jacob James Culwell is not the biological father of B. A27; R720 (“While Mr. Culwell acknowledged not being the biological Father to B., he also said that he was there when she was born and that she is his daughter. He feels that way and she feels that he is her Dad.”); R744. There is no decree of adoption and Appellant's motion for a DNA test, in which she noted that a home DNA test established a lack of paternity, A22;R626, was denied.

Nonetheless, the Circuit Court, affirmed by the Fifth District Court of Appeals, granted him custody. There is no need to elaborate the point at this juncture, but it is noted that the record shows that lifestyle and racial issues were a consideration in the trial court's decision. (Petitioner is black and the Respondent is white.)

It would seem that, under the precedents of this Court, that this determination cannot stand. It is a basic tenet of our society and our law that

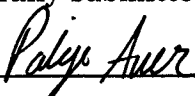
individuals have the fundamental constitutionally protected rights to procreate and to be a parent to their children. As stated by this Court in *Troxel v. Granville*, 530 U.S. 57, 65 (2000), “the interest of parents in the care, custody, and control of their children ... is perhaps the oldest of the fundamental liberty interests recognized” in American law. See also *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).

A “parent’s desire for and right to ‘the companionship, care, custody, and management of his or her children’ is an important interest that ‘undeniably warrants deference and, absent a powerful countervailing interest, protection.’” *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 27 (1981) (quoting *Stanley v. Illinois*, 405 U.S. 645, 651 (1972)).

Consequently, as a matter of constitutional law, when a child is born out of wedlock and no person has attained legal father status under the paternity law, the mother has sole custody unless and until a legal father is established.

Petitioner seeks an extension of time to file a Writ of Certiorari because financial difficulties have precluded me from securing counsel until just prior to the deadline to file the Petition for a Writ of Certiorari. Petitioner seeks the extension to enable her to either engage pro bono counsel or file the petition pro se as I did in the Fifth District Court of Appeal.

Respectfully submitted,

/s/ 

PAIGE C. AUER