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ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS DOLAN,

Petitioner,

v.

REEMPLOYMENT ASSISTANCE APPEALS COMMISSION,

Respondent.

FILED
APR 03 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

On Application for an Extension of Time to File Petition for a Writ of
Certiorari to the Third District Court of Appeal for the State of Florida

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

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In propria persona

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SUPREME COURT, U.S.

To the Honorable Clarence Thomas, as Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Thomas Dolan, respectfully, requests that the time to file his Petition for Writ of Certiorari in this matter be extended for 60 days up to and including June 12, 2023. The Florida Third District Court of Appeal issued its opinion on October 19, 2022. (Appendix ("App.") A) and denied Appellant's Motion for Rehearing, Issuance of a Written Opinion and Rehearing En Banc on January 12, 2023 (App. B) Absent an extension of time, the Petition for Writ of Certiorari would be due on April 13, 2023.

Petitioner is filing this Application 'at least 10 days before the date the petition is due.' See S. Ct. R. 13.5.

This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1).

Reasons for Granting an Extension Of Time

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

1. Petitioner, Thomas Dolan, remains, at this juncture of proceedings, a self-represented litigant; one of modest means and meager resources whose general health and physical well-being has, of late, entered into an alarming state of upheaval. A grant of the request for a 60-day extension of time, under the current circumstances, will permit him to better assemble those limited forces at his disposal while summoning as well as harnessing the energies needed to put forward the most effective argument in support of the legal footing and moral grounds upon which his position stands. The increased time allowance will afford him greater opportunity to more thoroughly, if not completely, access and investigate the substantial record in this case so that he might take fuller advantage of what it has to offer in terms of assistance in the preparation of his forthcoming cert petition which, if successfully exploited, should prove most helpful to the Court in deciding, ultimately, whether issuance of the sought-after writ is justified.
2. This case does not represent an effort that endeavors to make whole, solely, the immediate litigant. In addition to the above reasoning drawn in favor of a grant of an extension of time to file a Petition for a Writ of Certiorari, there are broader implications and ramifications that would be associated with the petitioner's failure to advance his case beyond its present stage. The adverse impact that the lack of definitive and explicit resolution in this particular case could, potentially, have on the public interest or the interests of persons not themselves party to this action is considerable.
3. This case presents issues of constitutional significance; those, specifically, having to do with the preservation of procedural Due Process Rights afforded civil litigants through the Fifth and Fourteenth Amendments to the Federal Constitution.
4. The prospect exists that this Court, upon consideration on the merits of the issues at stake and controversy involved, will, following a thorough examination of the available record at the lower tribunals, ~~decide to hear the case~~ ^{decide to hear the case} which, in turn, shall, finally, result in the eventual reversal of the State of Florida's unelaborated per curiam affirmance emanating from its Third District Court of Appeal.

5. This Petition is not made for dilatory purposes nor is it intended to interfere with the steady administration of the Court's duties or to visit undue burden upon the discharge thereof. Furthermore, the extension of time will not cause prejudice to the Respondent, rather, the objective of the Petitioner's request is that the grant will work towards promoting the interests of justice.

Conclusion

For the foregoing reasons, Petitioner, respectfully, requests that the time to file the Petition for a Writ of Certiorari in this matter be extended 60 days, up to and including the 12th day of June, 2023.

APPENDIX A.

Third District Court of Appeal

State of Florida

Opinion filed October 19, 2022.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-0280
Lower Tribunal No. 21-01850

Thomas Dolan,
Appellant,

vs.

Reemployment Assistance Appeals Commission,
Appellee.

An Administrative Appeal from the Reemployment Assistance Appeals Commission.

Thomas Dolan, in proper person.

Amanda L. Neff (Tallahassee), Deputy General Counsel, for appellee.

Before SCALES, LINDSEY, and MILLER, JJ.

PER CURIAM.

Affirmed. See Dolan v. Reemployment Assistance Appeals Comm'n,
227 So. 3d 586 (Fla. 3d DCA 2017).

APPENDIX B.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

JANUARY 12, 2023

THOMAS DOLAN,
Appellant(s)/Petitioner(s),
vs.
REEMPLOYMENT ASSISTANCE
APPEALS COMMISSION,
Appellee(s)/Respondent(s),

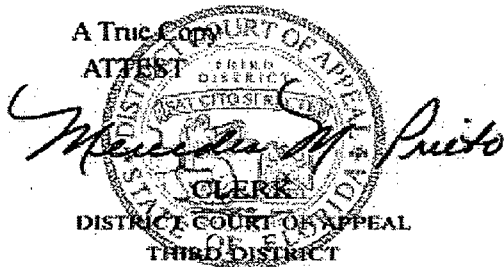
CASE NO.: 3D22-0280

L.T. NO.: 21-01850

Upon consideration, pro se Appellant's Motion for Rehearing
and Issuance of a Written Opinion is hereby denied.

Pro se Appellant's Motion for Rehearing En Banc is denied.

SCALES, LINDSEY and MILLER, JJ., concur.



cc: Amanda L. Neff

Thomas Dolan

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APPENDIX C

Authorities & Citations: ^{1st Action} Cross-Examination and ^{2nd Action} Collateral Estoppel
(abridgment, curtailment) (Issue Preclusion)

People v. Hustig N.Y. (1912)

United States v. Ceade (1979) 3 Wayne Evidence S. 722(3) p. 182
(Chidbourn rev. 1970)

Russell v. Place 94 U.S. 606 (1876)

Cromwell v. County of Sac. (1877)

Southern Pacific R. Co. v. United States (1897)

HEARD V. UNITED STATES, 255 F. 829 (1919)

UNITED STATES COURT OF APPEALS FOR THE

EIGHTH CIRCUIT · NOS. 4890,4908

HEARD V. UNITED STATES; DUNN V. SAME

3. Witnesses — Cross-Examination.

A full cross-examination of a witness upon subjects of his examination in chief is the absolute right, not the mere privilege, of the party against whom he is called, and a denial of such right is prejudicial and fatal error. It is only after the right has been substantially and fairly exercised that the allowance of cross-examination becomes discretionary

Summary

In Error to the District Court of the United States for the Eastern District of Arkansas; Jacob Trieber, Judge.

Disposition

Reversed and remanded, with directions to grant new trial.

Before SANBORN and SMITH, Circuit Judges. Opinion Sanborn:

"But a fair and full cross-examination of a witness on the subjects of his examination in chief is an absolute right of the opposing party, a denial of which is error. **The scope of the proper cross-examination is determined by the subject-matters of the direct examination, and not by the precise questions or answers relative to such matters in the direct examination.**

When a witness is examined in chief regarding a conversation or statement concerning a given subject, he may be cross-examined to bring forth the whole of that conversation, its statements and its limitations." *Gilmer v. Higley*, 110, U.S. 47, 50, 3 Sup. Ct. 471, 28 L. Ed. 62

emphasis by underscore added

LINDSEY
V.
UNITED STATES.
133 F.2d 368 (1942)

United States Court of Appeals for the District of Columbia

Before STEPHENS, EDGERTON, and RUTLEDGE, Associate Justices. STEPHENS:

The efficacy of cross-examination as a test of the dependability of testimony is too well understood to require extensive explanation. Evidence supplied through the lips of witnesses is subject to the possible infirmities of falsification or bias and the inaccuracies which flow from fallibility of human powers of observation, memory, and description. The annals of the legal profession are filled with instances in which testimony, plausible when supplied on examination in chief, has by cross-examination been shown to be, for one or more of the reasons mentioned, faulty or worthless. So definitely, indeed, has the efficacy of cross-examination as a weapon for the discovery of truth been recognized in our system of law that cross-examination is held to be a right, not a mere privilege. It is often stated that the control of cross-examination is within the discretion of the trial judge, but it is only after a party has had an opportunity substantially to exercise the right of cross-examination that discretion becomes operative.

... the distinction between limitation of cross-examination... and denial of the right of cross-examination is clear and well established. The distinction is well put in ***Heard v. United States***, 8 Cir., 1919, 255 F. 829, in an opinion by Sanborn, Circuit Judge:

*"... A full cross-examination of a witness upon the subjects of his examination in chief is the absolute right, not the mere privilege, of the party against whom he is called, and a denial of this right is a prejudicial and fatal error. It is only after the right has been substantially and fairly exercised that the allowance of cross-examination becomes discretionary. ***Gilmer v. Higley***, 110 U.S. 47, 50, 3 S. Ct. 471, 28 L. Ed. 62;*

REST ASSURED THAT COUNTLESS CIVIL LITIGANTS, PROCEEDING IN U.S. COURTS OF LAW IN KEEPING WITH NATIONAL TRADITIONS OF ADVERSARIAL JURISPRUDENCE HAVE, IN THE EXERCISE OF THEIR DUE PROCESS RIGHT OF CONFRONTATION, BEEN [DULY] PERMITTED TO ASK OF THE UNFAVORABLE, ACCUSATORY WITNESS, QUESTIONS; THOSE POSED FOR THE FIRST TIME IN CROSS EXAMINATION, DEALING WITH SUBJECT MATTER INITIALLY BROACHED IN THE EXAMINATION-IN-CHIEF - REGARDLESS OF WHETHER OR NOT THE QUESTION OR SOME SIMILAR FORM THEREOF, NOW FOUND TO BE THE SUBJECT OF OBJECTION, HAD BEEN PREVIOUSLY, PUT TO SAID WITNESS IN A PRIOR DIRECT EXAM CONDUCTED BY THE OPPOSING PARTY, ITS COUNSEL, AND /OR AN INTERROGATOR NOT PARTIAL TO THE CROSS-EXAMINER'S CASE, CAUSE OR CLAIM.

AUTHORSHIP: THOMAS DOLAN

CERTIFICATE OF SERVICE

I, Thomas Dolan, the undersigned, do hereby attest that a copy of the foregoing was mailed by United States Postal Service on the 3rd day of April 2023 to the entity and/or person(s) in attendance at the following address centered, directly below:

Reemployment Assistance Appeals Commission
1211 Governors Square Blvd, Suite 300
Tallahassee, FL., 32301



Petitioner, Pro Se, Thomas Dolan

04/01/2023

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