

23A244

No.

ORIGINAL

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IN THE  
Supreme Court of the United States

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FILED  
SEP 06 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

JOHN DOE,  
*Petitioner,*

v.

BILL CROUCH, CABINET SECRETARY OF THE WEST VIRGINIA DEPARTMENT OF HEALTH  
AND HUMAN RESOURCES; AYNE AMJAD, COMMISSIONER FOR THE WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES, AND MATTHEW WICKERT, STATE  
REGISTRAR FOR VITAL STATISTICS  
*Respondents.*

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

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States Supreme  
Court and Circuit Justice for the Fourth Circuit

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SUPREME COURT, U.S.

I, petitioner John Doe, *pro se*, hereby request a 60-day extension of time within which to file a petition for writ of certiorari pursuant to Rule 13.5 of the Rules of this Court. The United States Court of Appeals for the Fourth Circuit rendered its decision on July 28, 2023 (Exhibit 1), and denied a timely petition for rehearing on August 28, 2023 (Exhibit 2). This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. §1254(1) and 28 U.S.C. §1257(a).

### **BACKGROUND**

The State of West Virginia automatically supplanted and pre-empted my Fourteenth Amendment right to be identified as the legal mother of my own biological children. Defendants instead, registered my children's gestational surrogate—a biological stranger—as my children's legal and biological mother on their birth certificates under color of West Virginia Code § 16-5-10(e) which presumes the woman who gives birth is the mother. Defendants permit paternity on birth certificates to be changed at any time based upon genetics. Defendants, however, conclusively presume maternity based upon gestation and refuse to correct my children's birth certificates. Defendants discriminate based upon sex and method of procreation. The lower courts declined jurisdiction of this 42 U.S.C. § 1983 case citing *Rooker-Feldman*. *Rooker-Feldman*, however, does not bar federal jurisdiction regarding discrimination or legislative acts. In this case, there is a right without a remedy.

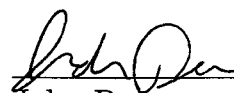
## REASONS JUSTIFYING AN EXTENSION OF TIME

1. This is an important matter wherein Defendants refuse to permit biological mothers to be legally recognized as the mother of their own biological children if their child is born via gestational surrogacy.
2. I am a party to several related actions being actively litigated in lower courts, all of which have overlapping timelines with this petition.
3. I am pro se and have full-time employment and/or parenting obligations which hampers my available time to perfect this petition.
4. An extension of time will permit the time necessary to complete a cogent and well-researched petition that complies with the Rules of this Court.
5. This case has wide implications for protecting the rights of parents, and their resulting children, who procreate through gestational surrogacy.
6. Defendants' acts are discriminatory and are in severe contrast with the Constitutional interpretations of this Court, with West Virginia's own courts and Constitution, and with the decisions made by other United States courts.

## CONCLUSION

For the foregoing reasons, I respectfully request that this Court grant an extension of 60 days within which to file my petition for writ of certiorari.

Respectfully submitted,



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