

No. 22-55768

IN THE SUPREME COURT OF THE UNITED STATES

AZARIAH M. ELLINGTON,

PETITIONER,

V.

DEPARTMENT OF VETERANS AFFAIRS, ET AL,

RESPONDENTS.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES

APPLICATION FOR EXTENSION OF TIME TO FILE CERTIORARI

DUE RE: EXHIBIT 2

AZARIAH M. ELLINGTON
10401 S. 4TH AVENUE
INGLEWOOD, CALIFORNIA 90303
(310) 245-0711
IN PRO PER

STATEMENT OF JURISDICTION

In accordance with Supreme Court Rule 13(5), this Court follows these well-accepted principles underlying 28 U.S.C. § 2101(f), which is the statutory authority for a judge of this Court or the Supreme Court to grant a stay/extension pending certiorari. Because staying the briefing is a form of temporary injunction that stops the normal litigation process, the court's inquiry centers on whether the losing party can show both a likelihood of success on the merits and that it will suffer irreparable harm without a stay. Also, see 28 U.S.C.A. § 42 and *Marshall v. Marshall* (May 1, 2006) 547 U.S. 293, 298-299.

JUDGEMENT:

United States Court of Appeals for the Ninth Circuit, Judgements filed September 27, 2023; attached as Exhibit 1. Letter authorizing correction(s), attached as Exhibit 2.

Considering the Orders submitted with this request, one must pay attention to the obvious complicity acted by the United States Court of Appeals. Here, you have an eight (8) year saga of racketeering, and a debacle of hatred spued by the Department of Veterans Affairs assigned to the same Unconstitutional two (2) judge panel. The 9th Circuit gives a horrible appearance to the otherwise honorable position of Circuit Court Justice. See 28 U.S.C. § 46(b). **This is a direct violation of the**

United States Constitution, Amendment 14(1)(2), acted by the United States Court of Appeals for the Ninth Circuit.

ORIGINAL TIME TO FILE:

The original time to file the subject Certiorari is December 27, 2023, for case # 21-56157, and December 26, 2023, for case # 22-55768.

The Petitioners are requesting a sixty (60) day extension, which would be February 24th and 25th, 2023 respectively, computed from September 27th and 28th, 2023.

JUSTIFICATION FOR EXTENSION OF TIME:

Presently, the United States Court of Appeals for the 9th Circuit is acting to deny the Petitioners' "appeal of right." This act destroys and illuminates the Petitioners' protection of the law, taking away our right to de novo review at the appellate level. See FRAP § 4.

Jurisdiction Question: Must litigants wait for the Circuit Court's response to the impending en banc request, before certiorari may be filed? As the Petitioners filed for en banc hearing, upon issuance of the attached Orders; the Orders that are the basis for this Request for Extension of Time and Additional Pagination. The Petitioners want to know if they are premature in their efforts to file certiorari currently. In other words, should the 9th Circuit be allowed to answer the en banc before a writ of certiorari comes within the jurisdiction of the Supreme Court of the United States? is requested of this Honorable Court.

Considering the fact that certiorari for case # 21-56030 was deemed unacceptable because the final Order, issued prior to the En Banc request, was not included in the Appendix; the fact that the Order related to the En Banc request, actual final Order, was included, as it would be the Order initiating the time limit related to filing certiorari. See SCOTUS Dkt. # 23M41.

Further, the Petitioners are left within a legal storm related to Probate Racketeering in California Superior Courts in Los Angeles, Compton and Orange, which has been allowed to continue against the Petitioners since May 6, 2015, to the present date [eight years (December 13, 2023)].

As a result of racketeering by California Superior Court Judges Daniel Juarez, David J. Cowan, Mary Thornton House, Maria Stratton, Michael Shultz and others, the Petitioners have not been provided the minimum protection afforded citizens of the United States. Thus, the Petitioners are battling the State Courts and the Federal Courts simultaneously.

As of November 16, 2023, California Superior Court Judge Juarez, who presides over the Ethel Ellington Living Trust, has had the Petitioners in and out of his courtroom declaring that the Ethel Ellington Living Trust is valid, but he will not enforce the decision of the California Appellate Court, which was issued February 27, 2018.

Further, Petitioners were unjustly (Petitioners' allegation) denied filing their "timely" Certiorari, which had been filed with the absence of "one" Order, which was

not the Order upon which the timeliness of the Certiorari relied. See Supreme Court Case 23M41. This required the Petitioners to file a Motion for Writ out of Time, which was Denied, December 8, 2023. See Supreme Court Case # 23M41.

The cases where we now ask for extension of time and pagination increase, demonstrate illegal assignment of a two-judge panel, which is a violation of 28 U.S.C. § 46.

Additionally, California District Court Judges Stephen V. Wilson and R.G. Klausner, accompanied by Magistrate John D. Early and Clerk Renico Smith and Federal and the State Courts, have failed to protect the status quo, and have left the Petitioners' exposed to looting of the Ethel Ellington Living Trust, and Work Place Discrimination.

Thus, the Petitioners are onerously tasked with maintaining litigation within three (4) California State Superior Court Cases and six (8) appeals the United States Court of Appeals for the Ninth Circuit, which gives a judicial burden that looks like the following:

**United States Court of Appeals
for the Ninth Circuit**

21-56157	Ellington v. House	02/09/2023	Waiting for Briefing Schedule
21-56030:	Ellington v. Stratton	01/05/2023	Current Case (Mandate/Fraud)
21-55381	Ellington v. Stratton	08/26/2021	Recall of Mandate (Fraud)
20-55733	Ellington v. House	12/21/2021	Recall of Mandate (Fraud)
20-55329	Ellington v. House	10/08/2020	Recall of Mandate (Fraud)
17-56865	Ellington v. House	09/17/2018	Recall of Mandate (Fraud)
22-55768	Ellington v. V.A.	09/27/2023	Record Tampering
23-03112	Ellington v. V.A.	10/27/2023	Notice of Appeal

**United States District Court
Central District of California**

17-07587	Ellington v. House	03/16/2022	Record Tampering
21-01675	Ellington v. Stratton	08/23/2021	Record Tampering

**Court of Appeal of the State of California, Second Appellate District,
Division Eight**

B309540	Sheerin v. Ellington	12/24/2020	Real Estate Fraud
B278887	Ellington v. Brar	02/27/2018	State Court Decree

Los Angeles Superior Court Central Appellate

BV033416	Sheerin v. Ellington	05/25/2021	Fraud on the Court
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**Superior Court of California County of
Los Angeles**

BP162564	In re Ethel Ellington	02/25/2022	Illegal Conservator
16STPB00322	Ethel Ellington	02/22/2019	Illegal Estate Proceeding
16STPB01301	Ellington Trust	02/08/2023	Violated Trust Proceeding
20CMUD00129	Sheerin v. Ellington Sealed		Unlawful Detainer

U.S. District Court Judge Stephen V. Wilson and Magistrate John D. Early acted to aid the horrific conduct, that resulted in the wrongful death of Ethel Ellington, by introducing record/witness tampering into the Federal Judicial Proceedings, and failure to protect Federal jurisdiction and the status quo. Judge R.G. Klausner acted similarly.

As may be abundantly clear, the Federal and State Courts have acted constitutional and criminal violations upon and against the Petitioners, at a level and rate unprecedented, in modern time.

Therefore, an extension of time to file Certiorari or Mandamus is warranted because the Petitioners need time to protect their properties in several Federal and State Courts, as Pro Per litigants and elders, according to California's description.

Attorneys Vikram Brar and Lisa Fisher are robbing the Petitioners through the protection and aid of various Federal and State Court judges and various Federal and State court staff. This conduct is current and ongoing.

Also, cases 21-56157 and 22-55768 have been illegally assigned to the same illegally appointed two (2) judge panel at the 9th Circuit. This is a violation of the record, court rules of assignment and 28 U.S.C. § 46.

Justification for Additional Pagination:

There are, at least, thirty (30) Federal and State judges bedabbled in this Judicial Cesspool and Horror Story:

The abnormal conditions related to this matter requires additional pagination to properly discuss the numerous violations acted against the Petitioners within the proceedings, evidenced by the number of actions where the Petitioners have not received constitutional protection.

All of this developed from the alleged (uninvestigated) racketeering demonstrated by State Court Judges David J. Cowan, Maria Stratton, Daniel Juarez, Michael Shultz; attorneys Vikram Brar, Lisa Fisher, Dennis Block, Michael Eyre and others.

Justification for Stay:

The overall nature of the subject proceedings demands a stay specifically directed toward each of the related courts. Throughout eight (8) years, the Probate Racketeering reported to the State of California, United States District Court, United States Court of Appeals for the 9th Circuit and the Supreme Court of the United States, has been ignored.

The Petitioners have cried and begged for help, as we are now begging for help from this Honorable Court: **HELP! HELP! HELP! OUR 90-YEAR-OLD MOTHER WAS FRAUDULENTLY CONSERVED AND REMOVED FROM HER HOME AND DIED UNDER THE HORRIBLE CONDITIONS SHE WAS SUBJECT TO! HELP!!!**

HELP! HELP! HELP! THE SAME INDIVIDUALS, ATTORNEYS AND JUDGES THAT VIOLATED OUR MOTHER HAVE TURNED ON THESE PETITIONERS AND, BY WAY OF RACKETEERING, HAVE ACTED TO LOOT THE TRUST AND ESTATE OF OUR DECEASED MOTHER AND, DEPRIVE THE BENEFICIARIES OF THEIR RIGHT TO INHERIT! HELP!!!

We will note the Walt Disney's grandson did not have to beg the 9th Circuit for help. The very same judges (Stephen V. Wilson and David J. Cowan) violated the Disney family but were stopped by the 9th Circuit, while the Petitioners' related case was pending, and had been within the jurisdiction of the 9th Circuit, prior to the "hearing" provided to Bradford Lund. See 9th Circuit Case # 20-55764.

"The Civil Rights Act of 1871, after all, guarantees "a federal forum for claims of unconstitutional treatment at the hands of state

officials," and the settled rule is that "exhaustion of state remedies is not a prerequisite to an action under [42 U.S.C.] § 1983." Knick v. Township of Scott, 139 S. Ct. 2162, 2167 (2019).

These Petitioners have not received any likeness of the "federal forum" indicated by the Honorable Chief Justice Roberts. That should be enough to solidify this Honorable Court and rally its supervisory power to halt the vicious conduct acted against these United States citizens.

Also, consider the unanimous decision of Marshall v. Marshall:

"[W]hile a federal court may not exercise its jurisdiction to disturb or affect the possession of property in the custody of a state court, . . . it may exercise its jurisdiction to adjudicate rights in such property where the final judgment does not undertake to interfere with the state court's possession save to the extent that the state court is bound by the judgment to recognize the right adjudicated by the federal court." 326 U.S., at 494. Marshall v. Marshall, 547 U.S. 293, 310 (2006).

Accordingly, California State Courts, California U.S. District Courts, U.S. Court of Appeals for the 9th Circuit and the Supreme Court of the United States have acted to violate the Constitutional rights of these petitioners. See SCOTUS case # 23M41.

This Honorable Court will note that SCOTUS case # 23M41 demonstrates highly questionable conduct acted by Clerk Scot Harris. His conduct deprived the

Petitioners of an Emergency Hearing before Justice Kagan. This hearing, possibly, would have settled all of this in May 2020.

An Honorable Justice interested in the integrity and legitimacy of the Courts must act to strike down this treasonous, criminal, and tortious contempt acted by these courts, entities, and persons.

This conduct warrants a news conference initiated by the Supreme Court of the United States, to assure the Public that the SCOTUS is on top of the treason against the United States Constitution, Probate Scam/Grave Robbing Racketeering, Real Estate Fraud, Forgery, Mail Fraud, Contempt and other crimes acted by Federal and State judges, attorneys, clerks and other personnel.

Surely, a Stay is necessary to address this monstrous revelation of crimes acted by the persons assigned to define and protect the United States Constitution and Federal and State laws.

CONCLUSION

No reasonable jurist, who is positioned to protect the United States Constitution, could discover the alleged conduct acted by the alleged jurists and court staff, then fail to arrest and correct what has happened in this case, related to a “bedbound” nonagenarian who was attacked by sadistic, greedy, malicious, criminal, vile and thoughtless judges, attorneys and State appointed fiduciaries. The Petitioners contend that 18 U.S.C. §§ 4, 241, 242, 1512 and 1519 are just a few of the violations acted by 9th Circuit, Chief Justice Emeritus, Sidney R. Thomas and

associates; Judge Stephen V. Wilson and associates; and, David J. Cowan and associates.

Because the Honorable Justice Elena Kagan has been very forthcoming concerning the Integrity and Legitimacy of the Courts, the Petitions are hopeful that her openness is more than a ruse, but the actual heart and efforts of this Supreme Court Justice of the United States. Petitioners pray that no other American Citizen experience the vile cruelty acted by the alleged suspects.

Therefore, the Petitioners respectfully request extension of time to file Certiorari as indicated, supra.

By: 

Azariah M. Ellington

In Pro Per

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT, TO BEST OF OUR KNOWLEDGE.

Dated: December 27, 2023



Azariah M. Ellington

In Pro Per

Exhibit 1

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 27 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AZARIAH M. ELLINGTON,

Plaintiff-Appellant,

v.

DEPARTMENT OF VETERANS
AFFAIRS,

Defendant-Appellee.

No. 22-55768

D.C. No. 2:21-cv-08448-RGK-PD
Central District of California,
Los Angeles

ORDER

Before: LEE and VANDYKE, Circuit Judges.

Appellant's motion filed at Docket Entry No. 22 is denied. The request for a stay (included in Docket Entry No. 22) is also denied.

The court will not consider any motions for reconsideration, clarification, or modification of these denials.

The opening brief is due October 16, 2023. The answering brief is due November 15, 2023. The optional reply brief is due within 21 days after service of the answering brief.

Because appellant is proceeding without counsel, appellant is not required to file excerpts of record. *See* 9th Cir. R. 30-1.3. If appellant does not file excerpts of record, appellee "must file Supplemental Excerpts of Record that contain all of the documents that are cited in the pro se opening brief or otherwise required by

Rule 30-1.4, as well as the documents that are cited in the answering brief.” *Id.*

If appellant does not file the opening brief by October 16, 2023, the appeal will be dismissed automatically by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1.

Exhibit 2

NO. 22-55768

IN THE SUPREME COURT OF THE UNITED STATES

AZARIAH M. ELLINGTON
, PETITIONERS

v.

DEPARTMENT OF VETERANS AFFAIRS, ET AL
, RESPONDENTS

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the REQUEST FOR EXTENSION OF TIME TO FILE CERTIORARI, via e-mail and first-class mail, postage prepaid, this 29TH day of December, 2023.

[See Attached Service List]

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 29, 2023.



Azariah M. Ellington

In Pro Per

10401 S. 4th Ave.

Inglewood, CA 90303

(310) 245-0711

SERVICE LIST

1. **Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001**

2. **Wei Kit (Ricky) Tai | Assistant United States Attorney**
United States Attorney's Office | Central District of California
300 N. Los Angeles Street, Suite 7516 | Los Angeles, CA 90012
T: (213) 894-3579 | C: (213) 448-0535 | Wei.Tai@usdoj.gov