

Application No. -----

IN THE SUPREME COURT OF THE UNITED STATES

PEYMAN ROSHAN, an individual on behalf of himself
and others similarly situated,

Petitioner,

vs.

MELANIE LAWRENCE, in her official capacity as
Chief Trial Counsel, and in her personal capacity;
OFFICE OF CHIEF TRIAL COUNSEL,

Respondents.

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
Case No. 21-15771

**PETITIONER'S APPLICATION TO EXTEND TIME TO
FILE PETITION FOR WRIT OF CERTIORARI BY SIXTY
(60) DAYS**

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This Application is made to the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit, see S.Ct.R. 30.3.

Pursuant to this Court's Rules 13.5, 22, and 30.2, Pro Se Petitioner Peyman Roshan ("Roshan") 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 September 14, 2024. The Ninth Circuit Court of Appeals issued its memorandum of disposition in case number 21-15771 on January 30, 2024, Ninth Circuit Docket Number ("Dkt.") 123; Appendix ("App.") A, and denied Roshan's petitions for rehearing and rehearing en banc on April 17, 2024 Dkt. 160, App. B. Absent an extension of time, the Petition for Writ of Certiorari would be due on July 16, 2024 which is more than ten days before this Application is filed. See S.Ct.R. 13.5 and 30.2. This Court has jurisdiction over the judgment under 28 U.S.C. 1254(1).

Background

This appeal presents questions of exceptional importance meriting review as, for one, questions of intra-circuit and inter-circuit conflict, specifically, at what point or points in time is *Younger* abstention evaluated? The options range from the time of filing and before - the position shared by the Fourth Circuit and Ninth Circuit Judge Bumatay in his dissent in *Duke v. Gastelo*, 64 F.4th 1088, 1096 (2023), to every moment of the federal litigation - the position of Appellants and

the Fifth, Eighth, and Tenth Circuits. Ninth Circuit authority is split. Review is necessary to resolve circuit conflict.

Another question is whether, when the procedural bar exception to the application of *Younger* abstention, i.e., a bar to raising federal constitutional issues in the state, exists, may the federal appellate court decide to impose a new requirement for the application of *Younger* abstention, i.e., that the federal plaintiff show the merits of the state-barred federal constitutional claims at the federal pleading stage, even though such a new requirement conflicts with this Court's precedent, and the case law of every circuit, including the Ninth Circuit?

Reasons Justifying An Extension

1. Roshan was represented by counsel at all proceedings below. He now, however, appears Pro Se. The complexity of the issues require the additional requested time for Roshan to prepare the Petition.
2. Due unforeseen health concerns of a family member, Roshan has scheduled a trip overseas between July 4, 2024 and July 20, 2024, at which time Roshan will be unavailable to prepare the Petition.
3. Respondents will not be prejudiced as, in any event, Roshan's Petition will be addressed by this Court in its subsequent term; and, in any event, decisions on the Petition would come within a month of each other.

4. Roshan will also need the additional time to communicate the issues with potential amicus.

Conclusion

Roshan respectfully requests the time to file a writ of certiorari in the above captioned matter be extended 60 days to and including September 14, 2024.

Dated this 3rd day of July, 2024.

Respectfully submitted:



Peyman Roshan
In Pro Per


**Declaration of Peyman Roshan in Support of His Application To File
Petition for Writ of Certiorari.**

I, Peyman Roshan, declare:

1. I am an individual residing in the County of Sonoma, State of California and Petitioner in this matter. I have personal knowledge of the facts stated in this declaration, unless otherwise stated and as to those matters I believe them to be true, and, if called as a witness, could and would testify competently to those facts. This declaration is in support of my attached motion.
2. I was represented by counsel at all below proceedings in this matter. He now, however, appears Pro Se. The complexity of the issues require the additional requested time for me to prepare the Petition.
3. Due unforeseen health concerns of a family member, I scheduled a trip overseas between July 4, 2024 and July 20, 2024, at which time I will be unavailable to prepare the Petition and communicate with potential amicus.
4. Respondents will not be prejudiced as, in any event, my Petition will be addressed by this Court in its subsequent term; and, in any event, decisions on the Petition would come within a month of each other.

5. I will also need the additional time to communicate the issues with potential amicus.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this July 3, 2024 in Santa Rosa, California.



Peyman Roshan
In Pro Per