

No. _____

SUPREME COURT OF THE UNITED STATES

WILLIAM GERARD SANGERVASI II,

Petitioner,

v.

CITY OF SAN JOSE;

EDGARDO GARCIA,

as an individual, and in his official capacity as the former Chief of Police for the
San Jose Police Department;

ANTHONY MATA,

as an individual, and in his official capacity as the former Chief of Police for the
San Jose Police Department;

and DOES 1 through 10, inclusive,

Respondents.

On Petition for a Writ of Certiorari from the United States Court of Appeals
for the Ninth Circuit

**Petitioner's Application for an Extension of Time to File a
Petition for a Writ of Certiorari**

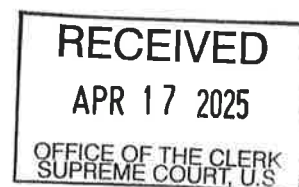
WILLIAM GERARD SANGERVASI II

221 Main St, # 181

Los Altos, CA 94023

SJPD4230@gmail.com

Pro Se *Petitioner*



Application for Extension of Time to File a Petition for a Writ of Certiorari

This application is respectfully addressed and submitted to the Honorable Elena Kagan, Associate Justice of the Supreme Court of The United States, and Circuit Justice who oversees the Ninth Circuit Court of Appeals.

WILLIAM GERARD SANGERVASI II (“Petitioner”), hereby applies for an extension of time to file a petition for a writ of certiorari. This application is made in accordance with Supreme Court Rules 13, 22, and 30.

On February 20, 2025, The United States Court of Appeals for the Ninth Circuit denied Petitioner’s petition for rehearing. (Attachment – 2). In accordance with Rule 13.3, the date by which Petitioner must file a petition for a writ of certiorari is currently May 21, 2025.

Petitioner is proceeding *pro se* and is respectfully requesting a 60-day extension so that the time to file the petition for a writ of certiorari is extended to Monday, July 21, 2025. (This computation of time takes into account that a 60-day extension would be to Sunday, July 20, 2025, but Rule 30.1 moves the extension to the next business day that the Court is open).

This application is being filed within the timeframe as required by rule 13.5.

Jurisdictional Statement

This case was originally filed in the United States District Court, for the Northern District of California, San Jose Division (5:22-cv-07761-VKD). The case involves federal questions in relation to The Constitution. As such, the district court had jurisdiction over the matter for reasons that included jurisdiction under 28 U.S.C. § 1331. A final judgment in the case was entered against Petitioner on May 22, 2023.

Petitioner appealed the judgment to the United States Court of Appeals for the Ninth Circuit (23-15923), which had jurisdiction over the appeal in accordance with 28 U.S.C. § 1291.

The Ninth Circuit issued its judgment against Petitioner on January 14, 2025. (Attachment – 1). Petitioner filed a petition for rehearing on January 28, 2025. The Ninth Circuit denied the petition for rehearing on February 20, 2025, thereby making judgment final. (Attachment – 2).

The Supreme Court has jurisdiction to review cases from the courts of appeal, pursuant to 28 U.S.C. § 1254(1).

Good Cause for Granting Petitioner's Application to Extend Time

Petitioner is proceeding *pro se*. Petitioner has no assistance on this case. Petitioner is responsible for all tasks that must be completed for the petition for a writ of certiorari.

Petitioner is diligently working on the case, but with no assistance, the workload is significant. This is compounded by other factors to include the fact that the booklet filing format in the Supreme Court under Rule 33.1 is a complete departure from the standard 8.5 x 11 format pleadings that were used in the district court, and the court of appeals. Petitioner is following all formatting rules of the Supreme Court for the petition for writ of certiorari, but Petitioner, who is not an attorney and who is proceeding *pro se*, is likely slower at completing these tasks than experienced attorneys. Based on the current workload, Petitioner will be unable to file a complete and adequate petition for a writ of certiorari by the current filing date of May 21, 2025. This will prejudice Petitioner's case before the Supreme Court.

However, Petitioner has been proceeding *pro se* since the beginning of this case in the district court, and Petitioner has completed all tasks in the lower courts, with some similarly allowed extensions of time. With that same diligent work ethic, Petitioner is diligently working on this case and will file the petition for a writ of certiorari within the requested 60-day extension of time, to July 21, 2025. As such, Petitioner's request and application for an extension of time is reasonable, and this requested relief is allowed by the rules of the Supreme Court.

Additionally, Petitioner's request for a 60-day extension respects the efficiency of the Court. If Petitioner were to request a shorter extension, but then Petitioner needs a little bit more time thereafter, Petitioner would have to divert all focus from completing the petition for a writ of certiorari, in order to file another application and burden the court with a redundant request that will be completely mitigated by Petitioner's current, single request for a 60-day extension of time, as is allowed by the rules of this Court.

Respondents Will Not Be Affected

The Respondents in this case will not be affected by the granting of Petitioner's reasonable request for an extension of time to file a petition for a writ of certiorari. This is further good cause to grant the requested relief to Petitioner.

Petitioner was a Police Officer with the Respondent CITY OF SAN JOSE. Petitioner's case challenges the constitutionality of the Respondents' actions on various matters which include the implementation of segregated policing in America. However, the district court and the court of appeals have not rendered judgment against the Respondents. As such, the Respondents' actions are ongoing. Therefore, the Respondents will not be affected by the granting of Petitioner's application for an extension of time to file a petition for a writ of certiorari.

Petitioner's Case Presents Dire Constitutional Questions for Our Nation

Our American Flag and *The Uniform* of America's Police Officers are visual symbols of blind-justice and equal protection under the law for all people in America. Never in American History has *The Uniform* of America's Police Officers ever been officially desecrated with visible bias, and the last time that uniformed executive officers in The United States of America

raised a flag against our American Flag, it resulted in the American Civil War.

Despite the detailed briefs in the Ninth Circuit Court of Appeals, the panel memorandum decision, which was not for precedent and was not for publication, dismissively glossed over the dire Constitutional issues of this case in a few paragraphs. (Attachment – 1).

Among other things, Petitioner's case challenges the anti-American and unconstitutional visible bias, preference, favoritism, prejudice and segregationist intent, that has just recently been attached to *The Uniform* of America's Police Officers, as part of the Respondents' actions toward the implementation of segregated policing in The United States of America.

Police Officers are uniformed executive officers who can shoot and kill you under color of law. As such, the desecration of *The American Uniform* with visible bias, and the implementation of segregated policing in America, are, at a minimum, presenting dire Constitutional questions that right now include the dangerous violation of The Fourteenth Amendment's constitutionally-protected right to "the equal protection of the laws", as carried out and executed by uniformed law enforcement executive officers in The United States of America. Petitioner is currently being harmed accordingly. Petitioner brings this case for himself, but this case will also benefit all people in The United States of America.

The Constitutional questions surrounding the recent segregation of policing in America that denies the equal protection of the laws, and the related Constitutional questions of governmental censorship of freedom of speech and free exercise of religion in a forum, will be presented in written and photographic detail to this Court, in the petition for a writ of certiorari.

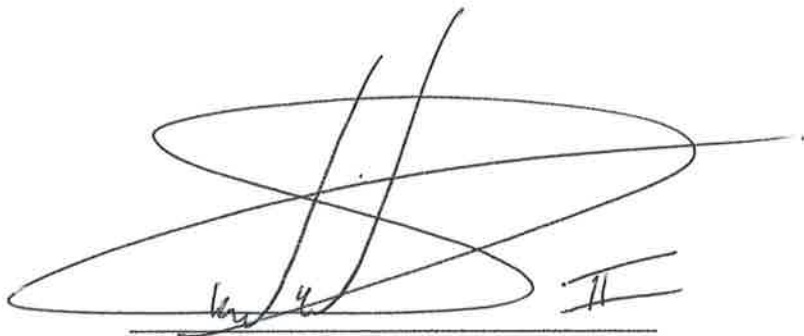
Relief Sought

Petitioner's case involves unprecedented Constitutional matters of national public interest and public concern that have not been, but must be, settled by this Supreme Court. As such,

Petitioner must be able to adequately present this case to the Supreme Court, which is likely to grant the petition for a writ of certiorari.

Based on the preceding information, there is good cause to grant *pro se* Petitioner's urgent application for an extension of time to file a petition for a writ of certiorari. Petitioner respectfully requests a 60-day extension of time so that the petition for a writ of certiorari may be filed on, or any time before, Monday, July 21, 2025.

Date: April 11, 2025

A handwritten signature in black ink, appearing to read 'W. Sangervasi II', is written over a horizontal line. The signature is stylized with large, sweeping loops.

WILLIAM GERARD SANGERVASI II

221 Main St, # 181

Los Altos, CA 94023

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Pro Se *Petitioner*

Attachment – 1

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 14 2025

FOR THE NINTH CIRCUIT

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

WILLIAM GERARD SANGERVASI II,

No. 23-15923

Plaintiff-Appellant,

D.C. No. 5:22-cv-07761-VKD

v.

MEMORANDUM*

CITY OF SAN JOSE; EDGARDO
GARCIA, individually, and in his official
capacity as the former Chief of Police for the
San Jose Police Department; ANTHONY
MATA, as an individual, and in his official
capacity as Chief of Police for the San Jose
Police Department,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Virginia Kay DeMarchi, Magistrate Judge, Presiding**

Submitted January 14, 2025***

Before: O'SCANNLAIN, KLEINFELD, and SILVERMAN, Circuit Judges

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

William Gerard Sangervasi II appeals pro se from the district court's dismissal of his complaint without leave to amend against defendants-appellees City of San Jose, former San Jose Police Department Chief of Police Edgardo Garcia, and Chief of Police Anthony Mata in their official and individual capacities (collectively, "Defendants"). Sangervasi contends that Defendants violated his First Amendment rights to free speech and the free exercise of his religion, and his Fourteenth Amendment right to equal protection, by implementing an outreach policy to the lesbian, gay, bisexual, transgender, and queer ("LGBTQ") community that included the use of a specialty LGBTQ flag and officer uniform patch, and the creation of a LGBTQ advisory board and liaison position. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Naffe v. Frey*, 789 F.3d 1030, 1035 (9th Cir. 2015) and we affirm.

The district court properly dismissed Sangervasi's free speech and free exercise claims because Defendants were engaging in government speech and Sangervasi was speaking as a government employee. *See Pleasant Grove City, Utah v. Summum*, 555 U.S. 460, 467-468 (2009) (recognizing that Free Speech Clause does not regulate government speech, and that a government entity is ultimately accountable to electorate and political process for its advocacy); *Garcetti v. Ceballos*, 547 U.S. 410, 421-22 (2006) (recognizing that government as an employer can restrict speech by public employees made pursuant to their

professional responsibilities); *see also Shurtleff v. City of Boston, Mass.*, 596 U.S. 243, 247-48 (2022). The district court properly dismissed Sangervasi's equal protection claims because he failed to allege facts demonstrating a discriminatory intent. *See Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1026 (9th Cir.1998) (equal protection claim "must plead intentional unlawful discrimination or allege facts that are at least susceptible of an inference of discriminatory intent").

The district court did not abuse its discretion in denying leave to amend as futile. *See Coronavirus Rep. v. Apple, Inc.*, 85 F.4th 948, 958 (9th Cir. 2023) (reciting standard).

Having concluded that Sangervasi had failed to state any claim for violation of his constitutional rights and that amendment would be futile, and that therefore he was not likely to succeed on the merits of his claims, the district court did not abuse its discretion in concluding that Sangervasi had not met the standard for preliminary injunctive relief. *See Meinecke v. City of Seattle*, 99 F.4th 514, 520-21 (9th Cir. 2024).

Sangervasi's unopposed motion to correct the record, Dkt. Entry No. 13, is **GRANTED**. The clerk is ordered to file the amended excerpts of record, Dkt. Entry Nos. 14 and 15.

AFFIRMED.

Attachment – 2

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

FEB 20 2025

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

WILLIAM GERARD SANGERVASI II,

No. 23-15923

Plaintiff-Appellant,

D.C. No. 5:22-cv-07761-VKD

v.

Northern District of California,
San Jose

CITY OF SAN JOSE; et al.,

ORDER

Defendants-Appellees.

Before: O'SCANNLAIN, KLEINFELD, and SILVERMAN, Circuit Judges.

The panel votes to deny the petition for panel rehearing. The panel recommends denial of the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 40. Appellant's petition for rehearing and petition for rehearing en banc are denied.

SUPREME COURT OF THE UNITED STATES

PROOF of SERVICE

Case Number:

Case Name: Sangervasi v. City of San Jose, et al.

Respondent Parties Served:

CITY OF SAN JOSE; EDGARDO GARCIA; ANTHONY MATA

Documents Served:

- Petitioner's Application for an Extension of Time to File a Petition for a Writ of Certiorari
- Copy of Proof of Service

Declaration of Service:

I, WILLIAM GERARD SANGERVASI II, declare as follows:

The legal counsel for the Respondents (City of San Jose; Edgardo Garcia; Anthony Mata) is Malgorzata Laskowska, in the Office of the City Attorney for the City of San Jose, located at 200 E Santa Clara St, 16th Floor, San Jose, CA 95113. The office phone number is 408-535-1900.

On April 14, 2025, I caused the above-listed documents to be served by mail to the Respondents' legal counsel. I placed the documents in a sealed envelope, and I hand-delivered the envelope to the United States Postal Service for mailing by first-class mail. The postage was paid in full when the envelope was accepted for mailing by a uniformed postal clerk at a register inside the post office. The envelope was addressed as follows:

Malgorzata Laskowska
City of San Jose - Office of the City Attorney
200 E Santa Clara St, 16th Floor
San Jose, CA 95113

At a time reasonably contemporaneous therewith, an electronic version of the documents was transmitted to Malgorzata Laskowska's e-mail address, "Margo.Laskowska@sanjoseca.gov".

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 14, 2025

A handwritten signature in dark ink, appearing to read 'W. G. Sangervasi II', is written over a horizontal line.

WILLIAM GERARD SANGERVASI II

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Los Altos, CA 94023
SJPD4230@gmail.com
Pro Se Petitioner