

No. \_\_\_\_\_

## IN THE SUPREME COURT OF THE UNITED STATES

BRADLEY HOLCOM,

Petitioner,

v.

CANBY BUILDERS SUPPLY, et al.,

Respondents.

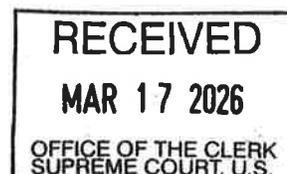
APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI  
(SUPREME COURT RULE 13.5)

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Applicant Bradley Holcom, pro se, respectfully applies for an order extending the time within which to file a Petition for a Writ of Certiorari. This Application is made pursuant to Supreme Court Rule 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1257(a).

This Application is submitted at least ten (10) days before the petition is due, and no prior application for an extension of time has been filed in this matter.

The Petition for a Writ of Certiorari will present the following federal constitutional question:



Whether a state court violates the Due Process Clause of the Fourteenth Amendment when a written order contradicts the trial court's oral ruling and dismisses claims with prejudice despite a litigant's compliance with the court's instructions, while state appellate courts simultaneously deny jurisdiction to review the order.

This case arises from a procedural breakdown in which a trial court's written order submitted by the opposing counsel materially misrepresented the court's actual ruling from the bench and imposed dismissal with prejudice even though the litigant complied with the court's directive to amend the complaint. The state appellate courts declined jurisdiction to review the order, leaving the erroneous ruling uncorrected and effectively foreclosing the petitioner's claims.

The forthcoming petition will present the question whether such a combination of judicial misstatement and denial of appellate review deprives a litigant of the procedural fairness guaranteed by the Fourteenth Amendment.

**Pertinent dates are as follows:**

- a) **May 2, 2025:** The Oregon Court of Appeals issued an order of dismissal.
- b) **June 3, 2025:** The Chief Judge of the Oregon Court of Appeals denied reconsideration of the order of dismissal.
- c) **December 4, 2025:** The Oregon Supreme Court denied Petitioner's request for review of the Oregon Court of Appeals order of dismissal.

- d) **January 29, 2026:** The Oregon Supreme Court denied Petitioner's request for reconsideration of that Court's denial of review.
- e) **April 29, 2026:** Current due date for filing the Petition for Writ of Certiorari (90 days from January 29, 2026), unless extended.

### **Good Cause Exists for the Petition for a Writ of Certiorari**

This case presents a substantial constitutional issue arising from a state court order that contradicts the trial court's own oral ruling and imposes dismissal with prejudice despite the plaintiff's compliance with the court's instructions.

During the January 6, 2025 hearing in the subject case, the trial court expressly allowed Petitioner to amend his complaint by January 20, 2025, indicating that dismissal with prejudice would occur only if the amendment was not filed. Petitioner complied with the court's directive and filed his amended complaint on January 17, 2025, within the permitted time frame.

Nevertheless, a written order later entered on March 27, 2025, stated that the claims had been dismissed with prejudice. That order was inconsistent with both the transcript of the hearing and the procedural record. The order therefore created a legal barrier to the petitioner's claims despite his compliance with the court's ruling.

The Oregon Court of Appeals declined to review the order, concluding that the order was not appealable under ORS 19.205, and the Oregon Supreme Court

declined discretionary review.

The forthcoming petition will argue that the combination of a judicial order contradicting the court's own ruling, and the denial of appellate review of that order creates a procedural due process violation by depriving a litigant of a meaningful opportunity to be heard and to obtain review of a judicial error that effectively forecloses his claims.

### **Good Cause Exists for the Requested Extension**

Petitioner is preparing the petition for writ of certiorari pro se and will be raising complex issues concerning the intersection of state procedural rules and federal due process protections, particularly where a written judicial order contradicts the court's own ruling and effectively forecloses the litigant's claims.

Preparation of a petition for writ of certiorari requires careful review of the trial court transcript, the trial court record, and the appellate filings in the Oregon courts. The petition must also address the constitutional implications of the procedural posture of this case and the denial of appellate jurisdiction.

Additional time is therefore necessary to ensure that the petition and appendix are accurate, complete, and professionally presented, and to avoid errors that could prejudice review. This request is made in good faith and not for purposes of delay.

The position of Respondents regarding this Application is unknown.

This proceeding draws into question the constitutionality and application of an Oregon statute, including ORS 19.205. To the extent 28 U.S.C. § 2403(b) may apply, Petitioner is serving a copy of this Application on the Oregon Attorney General.

WHEREFORE, Petitioner respectfully prays that the Court grant an extension under Supreme Court Rule 13.5 of sixty (60) days, to and including June 28, 2026, within which to file his Petition for a Writ of Certiorari.

#### VERIFICATION

I hereby declare that the foregoing statements contained herein and exhibits attached hereto are true and correct to the best of my knowledge and belief, and that I understand they are made for use as evidence in Court and I am subject to penalty for perjury.

Respectfully submitted this 12<sup>th</sup> day of March 2026.



Bradley Holcom, Petitioner, Pro Se  
200 NW Division Street  
Gresham, Oregon 97030

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this date, I caused to be mailed by the United States Postal Service Certified Mail the foregoing "MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI PURSUANT TO RULE 13.5" to the Clerk of the United States Supreme Court at the following address:

Supreme Court of the United States  
Attn: Clerk of Court  
1 First Street, NE  
Washington, DC 20543

I further certify that on this date, I served a copy of the foregoing on all parties required to be served by both email (if known) and United States Postal Service First-Class mail, postage prepaid and addressed as follows:

Molly Silver, Attorney  
Attorney for Respondents  
121 SW Morrison Street, Suite 500  
Portland, Oregon 97204  
molly.silver@chockbarhoum.com

Dan Rayfield, Oregon Attorney General  
1162 Court Street NE  
Salem, OR 97301

DATED this 12<sup>th</sup> day of March 2026



Bradley Holcom, Petitioner, Pro Se  
200 NW Division Street  
Gresham, Oregon 97030

IN THE COURT OF APPEALS OF THE STATE OF OREGON

Bradley Holcom,  
Plaintiff-Appellant,

v.

Canby Builders Supply, an Oregon corporation; Holly Rodway; James Rodway; Kristen Martin; Michael Maxwell; Doug Bishop; Garon Rigsby; Brian Servant; and Japhr Pine, LLC, an Oregon limited liability company,  
Defendants-Respondents.

Clackamas County Circuit Court No. 24CV32086

Court of Appeals No. A187113

**ORDER OF DISMISSAL**

On March 30, 2025, appellant filed a notice of appeal from an Order on Defendants' ORCP 21 Motions. That order is not subject to appeal under ORS 19.205. The appeal is dismissed on the ground that the Court of Appeals lacks jurisdiction to hear the appeal.

Appeal dismissed.



Theresa Kidd  
Appellate Commissioner  
05/02/2025

**DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS**

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Prevailing party: Respondents

No costs allowed

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c: Trevor Robins  
Molly Silver  
Kellie M Humiston  
Clackamas County Transcript Coordinator

**ORDER OF DISMISSAL**

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Page 1 of 1

IN THE COURT OF APPEALS OF THE STATE OF OREGON

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Defendants-Respondents.

Clackamas County Circuit Court No. 24CV32086

Court of Appeals No. A187113

**ORDER DENYING RECONSIDERATION**

Appellant petitions for reconsideration of this court's May 2, 2025, order dismissing the appeal for lack of jurisdiction. The court has considered the argument presented in the petition and orders that the petition is denied. In particular, the court notes that, despite appellant's arguments in the petition, the trial court order from which the appeal is taken does not prevent entry of a judgment in the action.

The petition for reconsideration is denied.



Erin C. Lagesen  
Chief Judge  
6/3/2025

c: Trevor Robins

Molly Silver

**ORDER DENYING RECONSIDERATION**

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Page 1 of 1

IN THE SUPREME COURT OF THE STATE OF OREGON

Bradley Holcom,  
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Petitioner on Review,

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Canby Builders Supply, an Oregon corporation; Holly Rodway; James Rodway; Kristen  
Martin; Michael Maxwell; Doug Bishop; Garon Rigsby; Brian Servant; and Japhr Pine,  
LLC, an Oregon limited liability company,  
Defendants-Respondents,  
Respondents on Review.

Oregon Court of Appeals  
A187113

S072089

**ORDER DENYING REVIEW**

Upon consideration by the court.

The court has considered the petition for review and orders that it be denied.



Meagan A. Flynn  
Chief Justice, Supreme Court  
December 04, 2025

Bushong, J., not participating.

c: Trevor Robins

Molly Silver

**ORDER DENYING REVIEW**

IN THE SUPREME COURT OF THE STATE OF OREGON

Bradley Holcom,  
Plaintiff-Appellant,  
Petitioner on Review,

v.

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Defendants-Respondents,  
Respondents on Review.

Oregon Court of Appeals  
A187113

S072089

**ORDER DENYING PETITION FOR RECONSIDERATION**

Upon consideration by the court.

The court has considered the petition for reconsideration and orders that it be denied.



Meagan A. Flynn  
Chief Justice, Supreme Court  
January 29, 2026

Bushong, J., not participating.

c: Trevor Robins

Molly Silver

**ORDER DENYING PETITION FOR RECONSIDERATION**

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Page 1 of 1