

No. 24-1543  
(19-CV-10595 (ER))

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IN THE SUPREME COURT OF THE UNITED STATES

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MEHMET EMIN TATAS,  
*Petitioner,*

v.

ALI BABA'S TERRACE, ET AL.,  
*Respondents.*

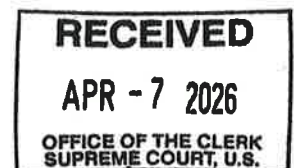
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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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**\*\*APPLICATION FOR AN EXTENSION OF TIME**

TO FILE A PETITION FOR A WRIT OF CERTIORARI\*\*



**To the Honorable Sonia Sotomayor,  
Associate Justice of the United States  
and Circuit Justice for the Second Circuit:**

Applicant Mehmet Emin Tatas respectfully requests an extension of time of 60 days, to and including **August 8, 2026**, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in this case.

The court of appeals entered judgment on **November 6, 2025**. Applicant timely filed a petition for rehearing. The court of appeals denied rehearing and rehearing en banc on **March 11, 2026**. Under Supreme Court Rule 13, the deadline to file a petition for a writ of certiorari is therefore **June 9, 2026**.

Applicant respectfully requests an extension of 60 days, to and including **August 8, 2026**, within which to file the petition.

This case raises substantial federal questions concerning the **Seventh Amendment right to trial by jury**, evidentiary rulings affecting civil rights claims, and the proper application of federal discrimination law. Additional time is needed to allow Applicant to consult with and attempt to retain counsel experienced in Supreme Court practice, finalize the questions presented, and prepare a petition that adequately addresses the important constitutional and federal issues presented by the case.

Because Applicant is proceeding pro se, additional time is necessary to ensure that the petition is properly prepared and presented to the Court. This application is made in good faith and not for purposes of delay.

## **BASIS FOR JURISDICTION**

This Court has jurisdiction under **28 U.S.C. § 1254(1)** to review the judgment of the United States Court of Appeals for the Second Circuit.

## **IDENTIFICATION OF THE JUDGMENT**

Petitioner seeks review of the judgment of the United States Court of Appeals for the Second Circuit.

The following materials are attached:

- The opinion and judgment of the court of appeals
- The order denying rehearing and rehearing en banc
- Relevant district court rulings

## **REASONS FOR EXTENSION (GOOD CAUSE)**

Good cause exists for granting this extension:

### **1. Complexity of Legal Issues**

This case presents multiple substantial federal questions, including:

- Whether a jury verdict form can substitute for proper jury instructions, particularly regarding individual liability under federal and state civil rights laws

- Whether omission of key legal standards constitutes prejudicial error under the “charge as a whole” doctrine
- Whether the appellate court misapplied preservation rules under Federal Rule of Civil Procedure 51

## **2. Need for Careful Preparation**

The petition will raise issues involving conflicts with precedent, misapplication of federal procedural standards, and questions of national importance affecting civil rights litigation. Adequate time is required to properly research and present these issues in compliance with Supreme Court rules.

## **3. Pro Se Status**

Petitioner is proceeding without counsel, which requires additional time to prepare a petition that meets this Court’s technical and substantive requirements.

## **4. Record-Intensive Review**

The case involves extensive trial records, including audio recordings, witness testimony, and evidentiary rulings, which must be carefully reviewed and accurately presented.

## **LENGTH OF EXTENSION REQUESTED**

Petitioner respectfully requests a **60-day extension**, which is within the time permitted under Supreme Court Rule 13.5.

## **CONCLUSION**

For the foregoing reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended for 60 days, to and including August 8, 2026.

Respectfully submitted,

Dated: April 2, 2026

Pro Se Mehmet Emin Tatas

43 Vine Street Lynbrook,

NY 11563

Cellular: 530-400-3340

juliomehmet@windowlive.com

## **CERTIFICATE OF SERVICE**

I, Mehmet Emin Tatas, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

On this 2nd day of April, 2026, as required by Supreme Court Rule 29, I have served the enclosed **Application for an Extension of Time to File a Petition for a Writ of Certiorari** in the above-captioned proceeding by depositing an envelope containing the same in the United States mail, properly addressed to counsel and with first-class postage prepaid.

**Counsel for Respondents:**

Diane Krebs

JACKSON LEWIS P.C.

Attorneys for Defendants

58 South Service Road, Suite 250

Melville, New York 11747

Tel.: (631) 247-0404

Email: [diane.krebs@jacksonlewis.com](mailto:diane.krebs@jacksonlewis.com)

**Method of Service:** U.S. Mail

Executed on April 2, 2026.

Pro Se Mehmet Emin Tatas

43 Vine Street Lynbrook,

NY 11563

Cellular: 530-400-3340

[juliomehmet@windowslive.com](mailto:juliomehmet@windowslive.com)



**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11<sup>th</sup> day of March, two thousand twenty-six.

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Mehmet Emin Tatas,

Plaintiff - Appellant,

v.

Ali Baba's Terrace Inc., Ali Riza Dogan, Senol  
Bakir, Tolgahan Subakan,

Defendants-Appellees,

Admiral Insurance Company,

Defendant.

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**ORDER**

Docket No: 24-1543

Appellant, Mehmet Emin Tatas, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

Catherine O'Hagan Wolfe  


**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5<sup>th</sup> day of March, two thousand twenty-six.

Before: Steven J. Menashi,  
*Circuit Judge.*

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Mehmet Emin Tatas,

Plaintiff - Appellant,

v.

Ali Baba's Terrace Inc., Ali Riza  
Dogan, Senol Bakir, Tolgahan Subakan,

Defendants-Appellees,

Admiral Insurance Company,

Defendant.

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Appellant, pro se, moves for leave to file a supplement and an amended supplement to his petition for rehearing or rehearing en banc.

IT IS HEREBY ORDERED that the motions are DENIED.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court


24-1543-cv

*Tatas v. Ali Baba's Terrace Inc.*

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

**SUMMARY ORDER**

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6<sup>th</sup> day of November, two thousand twenty-five.

**PRESENT:**

**JOSÉ A. CABRANES,  
MICHAEL H. PARK,  
STEVEN J. MENASHI,**  
*Circuit Judges.*

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**Mehmet Emin Tatas,**  
*Plaintiff-Appellant,*

v.

**24-1543-cv**

**Ali Baba's Terrace Inc., Ali Riza  
Dogan, Senol Bakir, Tolgahan  
Subakan,**  
*Defendants-Appellees,*

**Admiral Insurance Company,**

*Defendant.*

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**FOR PLAINTIFF-APPELLANT:** Mehmet Emin Tatas, pro se,  
Lynbrook, NY.

**FOR DEFENDANTS-APPELLEES:** Diane Krebs, Jackson Lewis P.C.,  
Melville, NY.

Appeal from a judgment of the United States District Court for the Southern District of New York (Edgardo Ramos, *Judge*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the judgment of the district court is **AFFIRMED.**

Mehmet Emin Tatas, pro se, appeals from the district court's judgment following a jury verdict in his favor on his assault and battery claim and otherwise in favor of his former employer, Ali Baba's Terrace Inc. ("ABT"); ABT's owner, Ali Riza Dogan; and former coworkers Senol Bakir and Tolgahan Subakan. Tatas alleged that Defendants discriminated and retaliated against him and subjected him to a hostile work environment based on his race and national origin, in violation of 42 U.S.C. § 1981 and state and local law. He also alleged that Dogan assaulted and battered him. We assume the parties'

familiarity with the remaining facts, the procedural history, and the issues on appeal.

### **I. Evidentiary Rulings**

“We review a district court’s evidentiary rulings for abuse of discretion, and will reverse only if an erroneous ruling affected a party’s substantial rights.”

*Marcic v. Reinauer Transp. Cos.*, 397 F.3d 120, 124 (2d Cir. 2005).

Tatas first argues that the district court improperly (1) denied him the ability to introduce two documents (a response to interrogatories and a document request) and (2) precluded him from testifying that a New York State Department of Labor (“DOL”) employee told him to record his conversations with Dogan. Neither argument suggests an abuse of discretion.

First, Tatas does not cite any portion of the record showing that the district court prevented him from introducing the referenced documents, and Defendants assert that Tatas’s counsel never sought their admission. Second, the district court precluded testimony about the DOL employee because Tatas’s testimony was complete without adding this information and because it would have created confusion about why a DOL employee was advising Tatas. Given

these concerns that the testimony would be more prejudicial than probative, the district court did not abuse its discretion by excluding it. *See* Fed. R. Evid. 403.

Tatas next argues that the district court improperly permitted defense counsel to ask about his immigration to the United States when it precluded such questions with respect to Subakan. This argument fails as well. The district court's reasoning for excluding the testimony was sound: Subakan's immigration status was not relevant to the issue of why he had moved out of Tatas's apartment. By contrast, the questions about Tatas's immigration history went to his overall credibility and therefore had substantially more probative value.

Tatas also asserts that the district court erred by failing to permit witness Eyyup Dogan from testifying about the discrimination he experienced. The district court explained that Eyyup's alleged sexual orientation discrimination was not sufficiently related to Tatas's alleged race and national origin discrimination and would not have any probative value for any element of Tatas's case. The district court's conclusion that evidence concerning Eyyup's allegations of discrimination would be more prejudicial than probative was thus not an abuse of discretion.

Tatas further contends that the district court (1) failed to act when Eyyup was allegedly intimidated by Ali Riza Dogan through phone calls and (2) did not move Dogan's seat during Eyyup's testimony when asked. However, Tatas has not demonstrated that either decision affected his substantial rights. Although Tatas's counsel represented that the phone call from Dogan during the trial scared Eyyup, Eyyup still returned to testify for a second day. Further, there is no indication in the record that Dogan's seating position in the courtroom prevented Eyyup from giving testimony or that Dogan engaged in any intimidation in the courtroom.

## II. Jury Instructions

"We review a claim of error in jury instructions *de novo*, reversing only where appellant can show that, viewing the charge as a whole, there was a prejudicial error." *Warren v. Pataki*, 823 F.3d 125, 137 (2d Cir. 2016) (quotation marks omitted). "[A]n error is harmless only if the court is convinced that the error did not influence the jury's verdict." *Id.* (quotation marks omitted). A party waives arguments, however, by failing to object to a jury instruction at trial. *Id.* at 138. This Court "will disregard the failure to object where there is plain error affecting substantial rights that goes to the very essence of the case, or

where the party's position has previously been made clear to the trial court and it was apparent that further efforts to object would be unavailing." *Id.* at 138–39 (quotation marks omitted).

With respect to the jury instructions, Tatas first argues that the district court erred by permitting the jury to find only Dogan liable for assault, rather than letting the jury consider if ABT was also liable. But Tatas did not raise this issue at trial, and it is thus forfeited on appeal. Nor does the record reveal plain error.

Next, Tatas contends that the jury instructions were erroneous because the district court should have instructed the jury that (1) it could find the individual defendants liable on the hostile work environment and retaliation claims, (2) Defendants' proffered explanation for their actions was pretext for discrimination, and (3) Tatas could be awarded front pay damages. All three arguments lack merit.

First, although Tatas's counsel raised the issue of amending the jury instructions to include instructions on individual liability for the hostile work environment and retaliation claims, specific instruction was not necessary. The jury verdict form explicitly permitted the jury to find liability against the

individual defendants for all of the discrimination, hostile work environment, and retaliation claims. Second, Tatas's counsel had no other amendments to the jury instructions and confirmed she was "good" with the instructions. Dkt. No. 59.2, at 515. Tatas therefore forfeited any argument concerning the substantive text of the instructions, including with respect to pretext, and he has not shown that the instructions were plain error. Third, the parties agreed that front pay damages would not be presented to the jury.

### **III. Weight and Sufficiency of the Evidence**

Tatas principally argues that the jury verdict was against the weight of the evidence and that the evidence was insufficient to support the jury's verdict. "The weight of the evidence," however, "is a matter for argument to the jury, not a ground for reversal on appeal." *Schwartz v. Cap. Liquidators, Inc.*, 984 F.2d 53, 54 (2d Cir. 1993).

To the extent Tatas challenges the sufficiency of the evidence, his argument is meritless. "It is well established that a party is not entitled to challenge on appeal the sufficiency of the evidence to support the jury's verdict on a given issue unless it has timely moved in the district court for judgment as a matter of law on that issue." *Kirsch v. Fleet St., Ltd.*, 148 F.3d 149, 164 (2d Cir.

1998). Tatas failed to move for judgment as a matter of law. We thus may not disturb the jury's findings except to "prevent a manifest injustice in cases where a jury's verdict is wholly without legal support." *Pahuta v. Massey-Ferguson, Inc.*, 170 F.3d 125, 129 (2d Cir. 1999) (cleaned up); see *Kirsch*, 148 F.3d at 164.

Our review of the record does not reveal manifest injustice. Tatas testified about the February 2016 incident with Bakir, in which Bakir tried to attack him with a knife after calling him a terrorist, and Tatas's account was supported by Emin Tatas's and Eyyup's testimony. He also testified that Dogan blamed him for the altercation with Bakir, made comments about his and his son's supposed affiliation with a Kurdish terrorist group, and physically attacked him on three occasions. However, Bakir, Subakan, and ABT cook Yunus Hoscan testified that Tatas was the instigator of the February 2016 altercation with Bakir and that Bakir did not threaten or approach Tatas with a knife. And Dogan and ABT manager Mursel Yalbuzzdag testified that Tatas was verbally and physically aggressive and that Dogan did not physically attack Tatas. Given the contradicting testimony about the various incidents, the jury's verdict does not constitute manifest injustice. See *Sorluccho v. N.Y.C. Police Dep't*, 971 F.2d 864, 875 (2d Cir. 1991) (Credibility assessments are generally a matter

“for the jury to resolve.”); *United States v. Landau*, 155 F.3d 93, 104–05 (2d Cir. 1998) (“A jury’s credibility assessments are entitled to deference.”).

We have considered Tatas’s remaining arguments and find them to be without merit. Accordingly, we **AFFIRM** the judgment of the district court.<sup>1</sup>

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court


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<sup>1</sup> We deny Tatas’s motions to reverse the jury verdict and to supplement his appendix.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
MEHMET EMIN TATAS,

Plaintiff,

19 **CIVIL** 10595 (ER)

-against-

**JUDGMENT**

ALI BABA'S TERRACE INC., ALI RIZA  
DOGAN, SENOL BAKIR, and TOLGAHAN  
SUBAKAN,

Defendants.  
-----X

It is hereby **ORDERED, ADJUDGED AND DECREED:** That after a Jury Trial before the Honorable Edgardo Ramos, United States District Judge, Plaintiff Mehmet Emin Tatas has judgment for compensatory damages for emotional distress in the sum of \$2,500.00 as against Defendant Ali Riza Dogan; and Plaintiff Mehmet Emin Tatas has judgment for punitive damages in the sum of \$1.00 as against Defendant Ali Riza Dogan.

**DATED:** New York, New York  
April 16, 2024

**So Ordered:**

  
\_\_\_\_\_  
**Edgardo Ramos, U.S.D.J.**

**RUBY J. KRAJICK**

\_\_\_\_\_  
**Clerk of Court**

**BY:**

*K. mango*

\_\_\_\_\_  
**Deputy Clerk**