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IN THE  
SUPREME COURT OF THE UNITED STATES

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In re the Matter of the Estate of:

ELSAYED M. ELKHARWELY

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APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A  
WRIT OF CERTIORARI TO THE SUPREME COURT OF WASHINGTON

Alaa Elkhawily, MD

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507-398-6735

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Re: Washington State Supreme Court Case No. 104680-4  
Court of Appeals No. 38201-0-III (consolidated with 38348-2-III and 38347-4-III)

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit: Pursuant to Rules 13.5 and 30.2 of this Court, Petitioner Alaa Elkhawily respectfully requests a 60-day extension of time, to and including July 6, 2026, to file a petition for a writ of certiorari in this case. The current deadline is May 5, 2026.

### **I. JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is the order of the Supreme Court of Washington in *In re the Matter of the Estate of: Elsayed M. Elkhawily*, No. 104680-4, entered on February 4, 2026 (Appendix A). This order became final upon entry as the court does not allow petitions for rehearing.

### **II. JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1257(a).

### **III. REASONS FOR THE EXTENSION**

Good cause exists for the requested extension for the following reasons:

1. **Constitutional Complexity:** This case presents substantial questions regarding the intersection of state probate statutes and the Due Process Clause of the Fourteenth Amendment. Specifically, the petition will address whether a state may constitutionally bar a beneficiary from an estate based on extra-judicial findings that lack the fundamental safeguards of a judicial proceeding, and the resulting implications for protected property interests.
2. **Integrity of the Record:** Petitioner is currently navigating an exceptionally voluminous and complex record across multiple consolidated cases (Nos. 38201-0-III, 38348-2-III,

and 38347-4-III). A significant portion of the intended petition will address grave concerns regarding the integrity and authenticity of the records generated in the lower courts. Additional time is vital to ensure these serious allegations are presented with the precision and evidentiary support required by this Court.

3. **Pro Se Status and Recognized Hardship:** Petitioner is proceeding pro se. His financial hardship has been explicitly recognized by the Supreme Court of Washington, which granted a full waiver of filing fees and in forma pauperis status on October 21, 2025 (Appendix B). Without the assistance of counsel, Petitioner requires the requested extension to perform the extensive legal research and technical formatting required by the Rules of this Court.
4. **Professional Obligations:** In addition to these legal proceedings, Petitioner has other legal and significant professional responsibilities that have limited the time available to finalize a petition of this magnitude by the current deadline.

#### **IV. CONCLUSION**

Petitioner has been diligent in pursuing this matter, but the gravity of the constitutional issues and the necessity of verifying the record require additional time. Petitioner respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, to and including July 6, 2026.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that the Declaration, Appendix and its Exhibits attached hereto are true and correct copies.

Respectfully submitted,

Executed on April 23, 2026, at Spokane, Washington



*S/ Alaa Elkharwily*

**Alaa Elkharwily, MD**

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## APPENDIX EXHIBIT A



## APPENDIX EXHIBIT B

# THE SUPREME COURT

STATE OF WASHINGTON

SARAH R. PENDLETON  
SUPREME COURT CLERK

REZA J. PAZOOKI  
DEPUTY CLERK/  
CHIEF STAFF ATTORNEY



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October 21, 2025

## LETTER SENT BY E-MAIL ONLY

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Re: Supreme Court No. 1046804 – In re the Matter of the Estate of: Elsayed M. Elkhawily  
Court of Appeals No. 382010 – Division III (consolidated with 38348-2-III and 38347-4-III)  
Spokane County Superior Court No. 20-4-01207-32

### Counsel and Parties:

On October 20, 2025, this Court received and filed the Petitioner's "MOTION AND DECLARATION FOR WAIVER OF CIVIL FEES AND SURCHARGES. The Supreme Court Clerk entered the following ruling regarding the motion on October 21, 2025.

**Based on this Court's inherent authority and the guidelines of GR 34, the filing fee for the petition for review is waived.**

Any answer to the petition for review should be served and filed by **November 20, 2025**. The parties are directed to review the provisions set forth in RAP 13.4(d) regarding the filing of any reply to any answer.

The petition for review will be set for consideration without oral argument by a Department of the Court; see RAP 13.4(i). If the members of the Department do not unanimously agree on the manner of the disposition, consideration of the petition will be continued for determination by the En Banc Court.

Usually there is approximately three to four months between receipt of the petition for review in this Court and consideration of the petition. This amount of time is built into the process to allow an answer to the petition and for the Court's normal screening process. At this time, it is not known on what date the matter will be determined by the Court. The parties will be advised when the Court makes a decision on the petition.

Any amicus curiae memorandum in support of or in opposition to a pending petition for review should be served and received by this Court and counsel of record for the parties and other amicus curiae by 60 days from the date the petition for review was filed; see RAP 13.4(h).

Sincerely,

A handwritten signature in black ink, appearing to read "Reza J. Pazooki". The signature is written in a cursive style with a prominent "R" and "P".

Reza J. Pazooki  
Supreme Court Deputy Clerk

RJP:af

No —

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ELSAYED M. ELKHARWELY

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Proof of service

Alaa Elkhawily, MD

726 W 6th Ave, #303

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I, the undersigned, a party or counsel for the petitioner/respondent in the above-entitled proceeding, do hereby certify that on this date, April 24, 2026 I served the following enclosed documents:

Application for Extension of Time to File a Petition for a Writ of Certiorari upon each party, or that party's counsel, and every other person required to be served by Supreme Court Rule 29.

### **Method of Service**

- X. By Email and or U.S. Mail and or Fed Ex : By depositing an envelope containing the above documents in the United States mail, or Courier properly addressed to each of them and with first-class postage priority or overnight prepaid.

### **Names and Addresses of Those Served**

**Jeremy Michael Zener**

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**Meagan Marie Bennett**

Attorney at Law  
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Spokane, WA 99205-4716

**Ola Elkhawely**

726 W. 6th Ave., #303  
Spokane, WA 99204

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

Executed on April 24, 2026.

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

Executed on April 24, 2026



S/ Alaa Elkharwily

Alaa Elkharwily

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