

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

NORMAN CARL RABIN, CATHERINE E. RYAN,
LISA R. WALLER, J. CHAD VANDERGRIF,
Applicants, Pro Se at this Application,

v.

United States Department of Health and Human Services, et al.,
Respondents.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Second Circuit

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

Norman Carl Rabin, Interfered-with Pro Se Applicant,
and as joined by other Pro Se Applicants
as per the Signatures Appendix to this Application

3 Jones Lane
Huntington, N.Y. 11743-6308
(516) 604-8121
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CORRECTED, June 12, 2026

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

1. This is our (second) Corrected Application for an Extension of Time to file our Petition for a Writ of Certiorari. Our original Application was dated (and mailed) April 14, 2026, but, as per your Clerk's April 22, 2026 letter [Exhibit B], it was cited for (two) deficiencies. Our 1st Corrected Application was dated April 29, 2026, but as per your Clerk's May 1, 2026 letter [Exhibit C], it was returned to us, and the letter further stated to us that Supreme Court Rule 13.3 does not allow us to petition for certiorari upon the Second Circuit's initial 3-Judge Panel's Order of November 14, 2025. Pro Se, non-attorneys, Applicants very respectfully disagree. Therefore: 1) We Applicants here will obey the Clerk and seek an Extension of Time to file a petition for certiorari regarding the Second Circuit order dated January 28, 2026; and, 2) We request as a legal 'prayer' that your Honor evaluate if we can seek review of the initial panel decision, because: our Second Circuit docket item 87 (amended at docket item 88) was a timely filed petition for rehearing (on day 45 of 45, under the FRAP Rule 40 (a), (d)(1)(A, B, C)), and this Court's decision in Hibbs v. Winn, 542 U.S. 88, 98, 124 S. Ct. 2276, 159 L. Ed. 2d 172 (2004) appears to support our position.

2a. Extension Sought: Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.3, Applicants Norman C. Rabin et al. (as per the Signatures

Appendix) ["Plaintiffs-Appellants"] to this [second CORRECTED] Application [originally dated April 14, 2026], who are each Pro Se in this Application, respectfully request that the time to file a Petition for a Writ of Certiorari in this case be extended from the current date of April 28, 2026, by sixty days, to and including (Monday) June 29, 2026.

2b. Judgment Sought to be Reviewed: The Court of Appeals issued its Order on January 28, 2026 (Exhibit A).

2c. Original Application for Extension was Timely Filed: Absent an extension of time, the Petition for Writ of Certiorari would be due on April 28, 2026. Petitioners filed our original Application, dated April 14, 2026, more than ten days before that date. See S. Ct. R. 13.5.

2d. Basis for Jurisdiction in this Court: This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1). Respondent (by telephone, April 13, 2026) took "no position" on our original Application [here CORRECTED].

3. **Background about our Case:**

3a. Applicants', Plaintiffs-Appellants' case is a federal rulemaking challenge of the Revised Common Rule - the federal Policy for the Protection of Human Subjects, which was the first major revision of the governmentwide policy since it was first enacted in June 1991. The Common Rule is based upon a legislative history, where Congress, in 1974 and 1978, sought to protect citizens from human research abuses

after the HEW/HHS's [Public Health Service] Tuskegee Experiment scandal, and after Congressional attention to other government experiments, including C.I.A. and Defense Department testing of LSD upon unwitting citizens.

3b. The five Plaintiffs-Appellants are each long term victims (even: for over 20 or 30 years !) among the estimated 500 to 2000+ complaining U.S. citizen victims, who allege they [we] are targeted by yet Ongoing non-consensual, apparently human research related, activities involving - now very well developed - electromagnetic signals monitoring and harassment, of the human body and brain, typically day and night, conducted and/or sponsored by our U.S. Government. Plaintiffs-Appellants Rabin and Ryan were among the U.S. victims who were most actively involved in promoting the participation of victims in the main federal rulemaking [NPRM - "Notice of Proposed Rulemaking"] Public Comment period in late 2015 - early 2016, and (afterwards) in urging fair treatment of victims' issues by the rulemaking.

3c. Our case, filed under the APA [Administrative Procedures Act, 5 U.S. Code 701-706], challenges a few enactments, and also a few arguably arbitrary non-enactments, and the absence of responses to significant rulemaking Public Comments [in the present of numerous Victims' Public Comments, and arguably ignoring Congressional mandates for protective policies], by the Revised Common Rule rulemaking. Most glaringly (and multiple APA experienced attorneys agreed)

the government without Notice (and without any 'logical outgrowth') improperly enacted a grandfathering clause upon an obscure, but major change in the policy. The new Policy [at 45 CFR 46.101(i) ¹] newly requires that Agency Head waivers of parts of the Policy (which could even include waiver of Informed Consent requirements) be consistent with the ethical principles of the [1974 Congressionally mandated] Belmont Report. This is a major change because: the Belmont Report appears to require Informed Consent. The challenged Grandfathering Clause [at 45 CFR 46.101(L)(3)(ii)] allows pre-2019 initiated human research, under Agency Head waivers, to continue without any restrictions and without this new major protection ! (Further, this Grandfathering Clause enables continued violation of the 4th and 5th Amendment Constitutional Rights of non-consenting human subjects.)

4a. Plaintiffs-Appellants, filing their Appeal as non-lawyer Pro Se, Appellants, failed to timely file our Appellate Brief in the 2nd Circuit (even after multiple extensions) under their Extraordinary Circumstances. Plaintiff-Appellant Rabin, the primary draftsman for our Appellate Brief, presented a Declaration to the 2nd Circuit, under Penalty of Perjury, that the (alleged) non-consensual human research related operations significantly interfered with, and significantly delayed, Appellant Rabin's more timely progress, and more timely completion, of our Plaintiffs-

¹ The CFR reference given is to the HHS Policy. But the Policy of the other agencies follows parallel numbering, for their human subjects protections policy, e.g.: U.S. Dept. of Energy policy is at 10 CFR 745.101 et seq. ;

Appellants' Brief. Our Appellate Brief was completed, and we sought reinstatement of our Appeal.

4b. The U.S. District Court's dismissal included a rejection of Plaintiffs' request for Jurisdictional Discovery, if needed to establish Plaintiffs' Legal Standing. (The narrowly focused Jurisdictional Discovery was proposed to be mainly In Camera, because it involves confirmation of currently classified human testing, at least concerning the Plaintiffs, so as to confirm our Legal Standing.) In the U.S. District Court, an attorney (and legal scholar) was (and is) willing to represent us for "limited-scope representation for .. pre-trial discovery".

4c. Notwithstanding the absence (to date) of Jurisdictional Discovery, our Appellants' Brief asserted that the Plaintiffs' [sworn] Affirmations of Standing in the U.S. District Court, together with our fellow victims' federal rulemaking Public Comments, render as 'more likely than not' that the alleged non-consensual activities upon one or more Plaintiffs-Appellants has occurred and is occurring. Or, at minimal, they constitute sufficient grounds to allow Jurisdictional Discovery.

4d. In our Motions to Reinstate our Appeal in the Second Circuit, we cited: that Plaintiffs-Appellants had exceptional circumstances; that our case was meritorious (and with a detailed elaboration in Appellants' late-June 2025 Motion for a Panel Review); and that: dismissal of our case would represent a "manifest injustice" because it would dismiss a "meritorious case", and further, because the persons adversely affected by such an injustice plausibly include hundreds or even a very

high percentage of the 500 to 2000+ complaining U.S. victims of (day and night) alleged, ongoing non-consensual, human research related activities.

5. Grounds for Extension

5a. The Lead Pro Se Appellant is the primary drafter and/or manager of the drafting of our Petition for Certiorari; hopefully with some legal writing and/or research help, and feedback, if findable. However, the Lead Appellant is a non-lawyer, and he is actively disabled by the alleged (and actual) non-consensual electromagnetic signals monitoring and harassment of his body and brain, day and night. Like many other fellow victims, he is under 'siege' to some degree; his sleep duration and quality are diminished; he is subjected to suggested thoughts and ideas; imposed distractions; imposed diversions.

5b. Lead Pro Se Appellant Rabin is an SSDI recipient with an SSDI accepted disability. In Rabin's presentations to all SSDI Reviews of his disability, Rabin has transparently depicted himself as being a victim of non-consensual human testing (and has presented that there are many other victims of related wrongdoing), and has cited that a federal policy change ordered by President Clinton [March 27, 1997 Memorandum / Administrative Order, "Strengthened Protections for Human Subjects of Classified Research" ²], attempted to require Informed Consent for all classified human research, but this important federal policy change has not yet

² <https://www.federalregister.gov/documents/1997/05/13/97-12699/strengthened-protections-for-human-subjects-of-classified-research>

been enacted. [Even though: most notably, starting in January 2016, the U.S. Department of Energy, as an individual agency, has implemented the 'Clinton Memo' requirements though DOE Directives.] A copy of the Appellant Rabin's SSDI resumption letter (January 2025) is attached as **Exhibit D**.

6a. Appellant Rabin has been enrolled in a B.S. degree program in Mechanical Engineering Technology ["MET"] at nearby SUNY Farmingdale since Spring 2018, taking evening courses (or in some case online courses, especially during the COVID situation). Taking his required Senior 'Capstone' Project course this Spring Semester 2026, Appellant Rabin (as part of a two person team) worked intensively on his relatively ambitious Senior Project through the end of the Semester (May 20) and through (May 29), but now having received a grade of "Incomplete" (to resolve before mid-August), is able to address this important legal matter. (Appellant Rabin has a prior B.S. degree in Computer Science from May 1983, from Duke University.) His Senior Project includes application of prior coursework, including a "Machine Learning for Applied Engineering" course taken in Fall 2025.

6b. If not for his Senior Project, Appellant Rabin would probably have had sufficient time to satisfactorily prepare the Petition for Certiorari by late April or mid-May 2026.

7a. Applicants attempted to file a Contingency Petition for Certiorari (just in case our Application for an Extension of Time is not granted), but unforeseeably, the 24-

Kiosk at the Hicksville, N.Y. Post Office was found closed-off due to construction at about 11:35pm, on April 28, 2026. The Contingency Petition for Certiorari was mailed elsewhere about 1am, April 29; but was returned to us as not timely filed.

7b. The lead Appellant was deterred from our more timely completion of our April 28, 2026 'Contingency Petition' due to his expending a significant amount of time to address the flagged deficiencies in our Application for an Extension of Time.

7c. Because our Contingency Petition was unexpectedly filed late, the here applied for Extension of Time is needed to afford our (we believe) Meritorious federal rulemaking challenge case the possibility of going forward according to the Merits of our court-rules compliant Appellants' Brief (which was filed Pro Se) in the Second Circuit (ca2 docket entry 84).

8. Concerning our 'Prayer' on page 2 of this Application:

In the Second Circuit, local rule 27.1 allows Appellants whose appeal is dismissed for "failure to timely file" their Appellant Brief, 14 days to file their Brief with a motion for reinstatement. The Court ordered [at ca2 docket entry 56] that we could do so "without prejudice". However, the Second Circuit (we believe) prematurely issued a Mandate (of May 23, 2025) at about 12:30pm of our day 14 (of 14). We filed our Appellants' Brief about 8pm, that same day, on our day 14 of 14 to file that Brief. But, the (we believe) premature issuance of the Mandate prejudiced our case, because in all filings we needed to include a Motion to Recall the Mandate.

But the Second Circuit did not Recall its mandate. We also believe that the early issuance of this Mandate is not consistent with the public rule at FRAP Rule 41.

9. After we timely filed our petition for rehearing, the Second Circuit's clerk's office rejected out filing, and required us to file a 'Leave to File' cover motion for our timely filed FRAP Rule 40 Petition for Rehearing. But statement 3. of that Cover Motion asserted to the Panel that our [docket item 87, amended at docket item 88] timely filed petition for rehearing "is (or should be accepted as) an allowable filing" under FRAP Rule 40. Because our cover Motion made that assertion, we believe that the January 28, 2026 Order denying the cover Motion is not merely a denial of a 'leave to file' motion, but rather, it is a procedural denial of our timely filed petition for rehearing. Supreme Court Rule 13.3 only mentions "denial of rehearing", but does not specify if such denial includes also a procedural denial of a timely filed petition for rehearing. In any event, we Appellants did not have "finality", as per Hibbs v. Winn, until the January 28, 2026 Order was issued.

10. The foregoing facts are concrete, and true, and demonstrate good cause for a 60-day extension [from April 28, 2026], to and including (Monday) June 29, 2026. The requested extension is reasonable, and is necessary to allow Plaintiffs-Appellants to (hopefully) prepare a petition that adequately presents the legal issues for this Court's consideration.

Additionally, Applicants (Plaintiffs-Appellants) respectfully request that a Justice of this Court, or this Court, grant any other relief that may be deemed as just and proper.

Respectfully submitted,

Norman Carl Rabin

HERE CORRECTED: June 12, 2026
original application: April 14, 2026 ;
first amended application: April 29, 2026;

Norman Carl Rabin, Interfered-with Pro Se Applicant,
and as joined by other Pro Se Applicants
as per the Signatures Appendix to this Application

3 Jones Lane
Huntington, N.Y. 11743-6308
(516) 604-8121
ncr121198@hotmail.com

Dated: May 31, 2026

Respectfully submitted,
CORRECTED Application: June 1, 2026

/s/ Norman Carl Rabin

Norman Carl Rabin June 12, 2026

Norman Carl Rabin, Applicant, interfered-with Pro Se Appellant, and 'coordinating Pro Se Appellant'

3 Jones Lane

Huntington, N.Y. 11743-6308 , 516-604-8121 , email: ncr121198@hotmail.com

We each, as undersigned, are: an 'interfered-with Appellant', and we each wish to join in the filing of our originally filed April 14, 2026 Plaintiffs-Appellants' Pro Se filed Application, at the Supreme Court of the United States, for an Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit (case number: 24-2971). Also, we each agree that, while we are yet Pro Se: Appellant Norman C. Rabin can serve as a 'coordinating Pro Se Appellant' for this case. [** below means: current Appellant]

for Submission on the 1st day of June 2026 [signatures are in Signatures Appendix ('A')]

Respectfully, _____, Catherine E. Ryan **, Interfered-with Pro Se,
date: _____ address: P.O. Box 67, Monterey, Ma. 01245
413-528-4355 ; email: caitrye@gmail.com

Respectfully, _____, Lisa. R. Waller **, Interfered-with Pro Se,
date: _____ address: 3840 Lakeview Isle Ct., Fort Myers, FL 39905
414-988-5404 ; email: beckerlisa28@gmail.com

Respectfully, _____, J. Chad Vandergriff **, Interfered-with Pro Se,
date: _____ address: 32673 Donna Drive, Conifer, CO 80433
404-660-4776 ; email: cvgriff@yahoo.com

Signatures Appendix

Dated: May 31, 2026

Respectfully submitted,
CORRECTED Application: June 1, 2026

/s/ Norman Carl Rabin

Norman Carl Rabin, Applicant, interfered-with Pro Se Appellant, and 'coordinating Pro Se Appellant'
3 Jones Lane
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date: 5-31-26 address: P.O. Box 67, Monterey, Ma. 01245
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Signatures Appendix

Dated: May 31, 2026

Respectfully submitted,
CORRECTED Application: June 1, 2026

/s/ Norman Carl Rabin


Norman Carl Rabin, Applicant, interfered-with Pro Se Appellant, and 'coordinating Pro Se Appellant'
3 Jones Lane
Huntington, N.Y. 11743-6308 , 516-604-8121 , email: ncr121198@hotmail.com

We each, as undersigned, are: an 'interfered-with Appellant', and we each wish to join in the filing of our originally filed April 14, 2026 Plaintiffs-Appellants' Pro Se filed Application, at the Supreme Court of the United States, for an Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Second Circuit (case number: 24-2971). Also, we each agree that, while we are yet Pro Se: Appellant Norman C. Rabin can serve as a 'coordinating Pro Se Appellant' for this case. [** below means: current Appellant]

for Submission on the 1st day of June 2026 [signatures are in Signatures Appendix ('A')]

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date: 6/1/2026 address: 32673 Donna Drive, Conifer, CO 80433
404-660-4776 ; email: cvgriff@yahoo.com

Signatures Appendix

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 28th day of January, two thousand twenty-six.

Before: John M. Walker, Jr.,
Susan L. Carney,
William J. Nardini,
Circuit Judges.

Norman Carl Rabin, Catherine E. Ryan, Lisa
R. Waller, J. Chad Vandergriff, Peter D.
Rosenholm,

Plaintiffs - Appellants,

Joy N. Mack,

Plaintiff.

v.

United States Department of Health and
Human Services, and Secretary Xavier
Becerra, in his official capacity, et al.,

Defendants - Appellees.

ORDER

Docket No. 24-2971

Appellants, pro se, move to recall the mandate and for leave to file a petition for rehearing or rehearing en banc.

IT IS HEREBY ORDERED that the motion is DENIED.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

A circular seal of the United States Court of Appeals for the Second Circuit is partially obscured by the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

DECLARATION OF SERVICE

A copy of this second CORRECTED application [Application, its Signatures Appendix, and its Exhibits] was served by U.S. mail to the counsel listed below in accordance with Supreme Court Rule 22.2, 29.4(a), and 29.5, and a courtesy electronic copy were sent by email to counsel whose email address appears below.

I, Norman Carl Rabin (an Interfered-with Applicant, Appellant-Plaintiff, Pro Se in this filing) affirm, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to my knowledge.

Executed on: June 12, 2026



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**Additional material
from this filing is
available in the
Clerk's Office.**