

No. _____

In the Supreme Court of the United States

MICHELET MICHAEL SMITH,
Petitioner,

v.

JESSICA REYNOLDS, ET AL.,
Respondents.

ON APPLICATION FOR AN EXTENSION OF TIME
TO PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF ARIZONA
DIVISION ONE

FOR THE NINTH CIRCUIT, JUSTICE ELENA KAGAN, PRESIDING

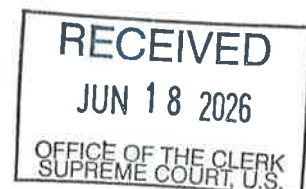
**APPLICATION FOR AN EXTENSION OF TIME
TO PETITION FOR WRIT OF CERTIORARI**

Michelet Michael Smith
9549 East Meseto Avenue
Mesa, Arizona 85209
(480) 975-3848
micsmi9459@aol.com

Pro Se Applicant

JUNE MMXXVI

United States Commercial Printing Company • www.uscpc.us • (202) 866-8558



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

For the Ninth Circuit, Justice Kagan, Presiding:

Pursuant to S. Ct. R. 13.5, 22, 30.2, and 30.3, Applicant Michelet Michael Smith respectfully requests a 60-day extension of time, to and including August 17, 2026, within which to file a petition for a writ of certiorari. Absent an extension, the petition would be due on June 17, 2026.

1. Jurisdiction. The judgment sought to be reviewed is the Arizona Court of Appeals, Division One memorandum decision in *Smith v. Reynolds*, No. 1 CA-CV 25-0147, filed on September 30, 2025. The Arizona Supreme Court denied discretionary review in *Smith v. Reynolds*, No. CV-25-0281-PR, on March 19, 2026. No petition for rehearing was filed. This Court would have jurisdiction under 28 U. S. C. § 1257(a).

2. Timeliness of this application. This application is filed on June 4, 2026, more than 10 days before the current June 17, 2026 deadline. See S. Ct. R. 13.5 and 30.2.

3. Nature of the case. The contemplated petition presents a preserved federal due-process question arising from the Arizona courts' approval of a procedural sequence under which a civil action was terminated immediately after reply briefing without a meaningful opportunity to answer dispositive reply matter before final judgment.

4. Reasons for the requested extension. Good cause supports a modest extension. Applicant is proceeding pro se and has been diligently preparing a petition for certiorari and appendix from a multi-court state record. Additional time is needed to finalize the petition, complete the accompanying in forma pauperis materials, review the appendix materials for accuracy and completeness, and prepare the filing in

conformity with this Court's Rules. Applicant also has significant work and personal obligations and limited resources, which have materially constrained the time available to complete the filing without counsel.

5. The requested extension is made in good faith and not for purposes of delay. The requested additional time will allow Applicant to submit a cleaner and more rule-compliant petition and appendix. Respondents will not be unfairly prejudiced by the requested extension.

6. Counsel for Respondents. Based on the Arizona Court of Appeals briefing, counsel for Respondents are Kelley M. Jancaitis and Danielle N. Chronister, Broening Oberg Woods & Wilson, P.C., 2800 North Central Avenue, Suite 1600, Phoenix, Arizona 85004-1047.

WHEREFORE, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended for 60 days, to and including August 17, 2026.

Respectfully submitted,

Michelet Michael Smith
9549 East Meseto Avenue
Mesa, Arizona 85209
(480) 975-3848
micsmi9459@aol.com

JUNE 2026

Pro Se Applicant

Appendix A

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

MICHELET MICHAEL SMITH, *Plaintiff/Appellant*,

v.

JESSICA REYNOLDS, et al., *Defendants/Appellees*.

No. 1 CA-CV 25-0147

FILED 09-30-2025

Appeal from the Superior Court in Maricopa County

No. CV2024-029230

The Honorable Peter A. Thompson, Judge

AFFIRMED

COUNSEL

Michelet Michael Smith, Mesa
Plaintiff/Appellant

Broening Oberg Woods & Wilson, P.C., Phoenix
By Kelley M. Jancaitis, Danielle N. Chronister
Counsel for Defendants/Appellees

MEMORANDUM DECISION

Judge Cynthia J. Bailey delivered the decision of the Court, in which Presiding Judge Jennifer M. Perkins and Vice Chief Judge David D. Weinzweig joined.

B A I L E Y, Judge:

¶1 Michelet Michael Smith appeals the superior court’s dismissal of his complaint under Arizona Rule of Civil Procedure (“Rule”) 12(b)(6). We affirm.

FACTS AND PROCEDURAL HISTORY

¶2 In October 2024, Smith filed a complaint against Jessica Reynolds and Nikki Petit (collectively, “Defendants”), raising claims of professional misconduct, negligence, and intentional infliction of emotional distress, and seeking \$300,000 in damages. Smith alleged Reynolds improperly substituted as opposing counsel for his then-wife in a separate family law matter and filed pleadings that “exacerbat[ed] procedural delays and prejudic[ed] [his] legal standing.” He alleged Petit, acting as Reynolds’ paralegal, engaged in improper and threatening communications, causing him severe emotional distress.

¶3 Defendants moved to dismiss the complaint under Rule 12(b)(6), arguing Smith alleged insufficient facts to support his claims. After full responsive briefing, the superior court issued a minute entry on December 4, 2024, granting the motion to dismiss, allowing Defendants to apply for an award of costs, and directing them to submit a proposed form of judgment.

¶4 Defendants then filed a verified statement of costs, and Smith filed an objection. On December 23, 2024, the court entered a signed judgment with Rule 54(c) finality language that awarded Defendants \$265.75 – the amount requested – in taxable costs.

¶5 Smith filed a timely notice of appeal. We have jurisdiction under Arizona Revised Statutes (“A.R.S.”) section 12-2101(A)(1).

DISCUSSION

I. Smith's due process rights were not violated.

¶6 Smith does not challenge the merits of the superior court's ruling granting Defendants' motion to dismiss. Rather, he argues the court committed several procedural errors, which he alleges deprived him of his right to due process.

¶7 We review de novo constitutional issues, including an alleged violation of due process. *Wassef v. Ariz. State Bd. of Dental Exam'rs*, 242 Ariz. 90, 93, ¶ 11 (App. 2017). "Due process entitles a party to notice and an opportunity to be heard at a meaningful time and in a meaningful manner." *Cook v. Losnegard*, 228 Ariz. 202, 206, ¶ 18 (App. 2011) (citation omitted). "Due process errors require reversal only if a party is thereby prejudiced." *Volk v. Brame*, 235 Ariz. 462, 470, ¶ 26 (App. 2014) (citation omitted).

A. The superior court entered a final, appealable judgment.

¶8 Smith argues the superior court never entered a final, appealable order or judgment because the December 4 ruling dismissing his complaint was unsigned. He further argues the court's subsequent signed judgment, which incorporated the December 4 ruling, caused procedural ambiguity that deprived him of due process.

¶9 Smith is correct that the December 4 ruling was not a final, appealable order or judgment because it was unsigned. *See* Ariz. R. Civ. P. 58(b) (requiring that a judgment be signed by a judge or authorized court commissioner). But the December 4 ruling became appealable when the court entered a signed final judgment for Defendants on December 23. A judgment as to all claims and parties is final if the judgment recites that no further matters remain pending and that the judgment is entered under Rule 54(c). Ariz. R. Civ. P. 54(c).

¶10 The December 23 judgment incorporated the December 4 ruling by reference, and stated that "no further matters remain pending" and that judgment was entered under Rule 54(c). Because the court entered a signed judgment that included Rule 54(c) language and disposed of all issues, the court's ruling granting Defendants' motion to dismiss became appealable under § 12-2101(A)(1).

¶11 Smith also argues the December 4 ruling was improperly titled and created ambiguity because it was titled "Defendants' Motion to Dismiss." But even assuming the ruling was titled incorrectly, its subject

SMITH v. REYNOLDS, et al.
Decision of the Court

was clear from its contents. *See Hegel v. O'Malley Ins. Co.*, 117 Ariz. 411, 412 (1977) (reasoning that examining only the title of a motion is contrary to the purpose of the rules of civil procedure).

¶12 Nor does Smith identify how he was prejudiced either by the court's final judgment or by the title of its December 4 minute entry. And although he alleges the court's actions may have created procedural ambiguity, he does not explain how either deprived him of his right to notice or to be heard. We discern no error.

B. Smith had no right to file a surreply, and his due process rights were not violated on that basis.

¶13 Smith also alleges the superior court denied him due process by granting the motion to dismiss without permitting him to file a surreply.

¶14 Here, Smith received due process. He was given a full and fair opportunity to respond to Defendants' motion to dismiss and filed a response defending against dismissal. Smith, however, contends the court should have allowed him to address new arguments raised in Defendants' reply brief. But he identifies no such arguments, and Defendants did not raise new arguments in their reply. And nothing in Rule 7.1, which covers motions, provides for a response to a reply, known as a surreply, let alone entitles Smith to one. *See Ariz. R. Civ. P. 7.1(a)*. Moreover, Smith never moved to file a surreply and thus waived any argument that the court erred by not allowing him to file one. *See Gross v. Shores at Rainbow Lake Cmty. Ass'n*, 258 Ariz. 365, 373, ¶ 24 (App. 2024).

II. Smith was not entitled to an opportunity to amend his complaint.

¶15 Smith next argues the court erred when it did not sua sponte offer him leave to amend his complaint under Rule 15(a)(2), which generally provides that leave to amend the complaint should be granted liberally. Under Rule 7.1(a)(1), "[a]n application to the court for an order must be by motion which, unless made during a hearing or trial, must be in writing, state with particularity the grounds for granting the motion, and set forth the relief or order sought."

¶16 Here, the record shows Smith never moved for leave to amend his complaint. And Smith's reference to repleading in his objection to Defendants' application for costs is not a motion and is not pleaded with particularity as required by Rule 7.1(a)(1). Thus, the court did not err because it did not sua sponte grant Smith leave to amend his complaint.

SMITH v. REYNOLDS, et al.
Decision of the Court

¶17 Smith also contends the court erred by not granting leave to amend because the court should have considered his unrepresented status to ensure he had a fair opportunity to be heard. But in Arizona, pro se litigants are not afforded any special leniency and are held to the same standards as attorneys. *Ramos v. Nichols*, 252 Ariz. 519, 522, ¶ 8 (App. 2022). The court did not err by not affording Smith any special leniency.

III. The superior court did not err in granting Defendants their taxable costs.

¶18 Smith argues the superior court erred in granting Defendants their taxable costs. Smith is incorrect.

¶19 Smith's challenge to Defendants' recovery of taxable costs largely turns on his mistaken belief that the court's December 4 ruling and subsequent judgment were invalid and unenforceable. But the judgment properly incorporated the valid December 4 ruling and resolved all issues implicated by Smith's complaint in a signed and certified writing that was final and appealable. *See* Ariz. R. Civ. P. 54(c). Further, a request for costs is properly submitted before final judgment enters. *See* Ariz. R. Civ. P. 54(f)(2)(A).

¶20 And although Smith maintains "the court failed to provide adequate findings or justification" before awarding costs, the court is generally not required to state findings or conclusions when ruling on a motion, *see* Ariz. R. Civ. P. 52(a)(3), including a request for costs, *see* Ariz. R. Civ. P. 54(f). Further, although Smith argues he was not given a fair opportunity to oppose Defendants' request for costs, the record reflects, and Smith admits, that he timely objected to Defendants' statement of costs.

¶21 Having achieved dismissal of the complaint against them, Defendants were entitled to an award of costs under A.R.S. § 12-341. *See Assyia v. State Farm Mut. Auto. Ins. Co.*, 229 Ariz. 216, 223, ¶ 32 (App. 2012). The superior court did not err in awarding Defendants their taxable costs.

IV. Defendants are entitled to their taxable costs on appeal.

¶22 Citing A.R.S. § 12-332 and the private attorney general doctrine, Smith requests costs and attorneys' fees on appeal. Even ignoring the questionable applicability of Smith's authorities, we note Smith is not the successful party, is not an attorney, and has not otherwise incurred attorneys' fees. Accordingly, we decline to award Smith costs or fees. Defendants request costs on appeal under A.R.S. § 12-341. As the prevailing

SMITH v. REYNOLDS, et al.
Decision of the Court

party, Defendants are awarded their taxable costs upon compliance with Arizona Rule of Civil Appellate Procedure 21.

CONCLUSION

¶23 We affirm.



Supreme Court
STATE OF ARIZONA

ANN A. SCOTT TIMMER
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
PHOENIX, ARIZONA 85007
TELEPHONE: (602) 452-3396

AARON C. NASH
Clerk of the Court

March 19, 2026

RE: SMITH v REYNOLDS et al

Arizona Supreme Court No. CV-25-0281-PR
Court of Appeals, Division One No. 1 CA-CV 25-0147
Maricopa County Superior Court No. CV2024-029230

GREETINGS:

The following action was taken by the Arizona Supreme Court on March 19, 2026, regarding the above-referenced cause:

**ORDERED: Petition for Review of the Court of Appeals Decision
Filed September 30, 2025 = DENIED.**

A panel composed of Chief Justice Timmer, Justice Beene, Justice Montgomery and Justice King participated in the determination of this matter.

Aaron C. Nash, Clerk

TO:

Michelet Michael Smith
Danielle Chronister
Kelley M Jancaitis
Matthew J Martin
lg



24200 Southwest Fwy, Ste 402-259
Rosenberg, TX 77471-5985
+1 (202) 866-8558
print@uscpc.us
www.USCPC.us U.S. Supreme Court and Appellate Courts Printer

*Expert Legal Printer,
For the People,
By the People.*

No. _____

In the Supreme Court of the United States

MICHAEL MICHELET SMITH,
Applicant,

v.

JESSICA REYNOLDS.

CERTIFICATE OF SERVICE

Pursuant to S. Ct. R. 29.2, I certify that 10 bound and 1 unbound copy of the application are sent to the Clerk of the Supreme Court of the United States through the United Parcel Service via Next Day Air postage prepaid on this 16th day of June, 2026.

Lastly, I certify pursuant to S. Ct. R. 29.5(c), 1 copy of the application are served all parties required to be served have been served via United States Postal Service via First-Class Mail postage prepaid, this 16th day of June, 2026.

[See attached service list]

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

Executed on June 16, 2026.

戈天黄

Huang Tiange
President
United States Commercial Printing Company
24200 Southwest Fwy, Ste 402-259
Rosenberg, TX 77471-5985
huangtiange@uscpc.us
(202) 866-8558