

EXTENSION OF TIME REQUEST FOR
A PETITION FOR WRIT OF CERTIORARI No. _____

In The Supreme Court of The United States

Gregory M. Haynes, Petitioner,

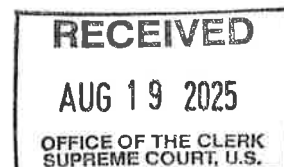
v.

City and County of San Francisco,
Regents of the University of California et. al ,
Respondent(s).

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

To the Honorable Justice of the Ninth Circuit: Elena Kagan

Petitioner Gregory M. Haynes request 60 days to file his Petition for Writ of Certiorari on October 18, 2025. The final judgement in this matter was entered on May 21, 2025 where the Ninth Circuit denied a petition for rehearing and rehearing en banc of its order dismissing the appeal on May 21, 2025. The last day to file a petition for a writ of Certiorari is August 19, 2025. This application for an extension to file a petition is being present 6 day from the time to file a petition. It is being present due to circumstances due to petitioner working on another matter.



Petitioner is attaching copies of the May 21, 2025 order denying the petition for rehearing and rehearing en banc.

This application to extend time to file a Petition for a Writ of certiorari involves two appeals involving the same matter: case no. 23-3327 and case no. 23-15162. The Ninth Circuit denied the petition for rehearing and rehearing in banc in the same order filed in each case. The order in case no. 23-3327 is attached as 1 to 2 and the order in case no. 23-15162 is attached as 3 to 4.

This case presents the issue fraud on the court as well as bias of the court. Gonzalez v. Crosby, 545 U.S. 524, 535 (2005)

The court of appeal determined that issue of fraud on the court could not be presented as it was untimely. It also determined that the facts did not warrant such a finding. It further determined that the District Court Judge was not biased. The issue was raised on motion after an application by defendant Regents of the University of California on 5-19-22 to re-new its June 18, 2013 judgment and as to the original judgment of June 18, 2013 of the defendant City and County of San Francisco. The issue was of disqualification of the judge was also raised as to the judge hearing the matter. These issues were raised in case no. 23-15162

Further, the issues were also raised case no. 23-15162 where the Defendant City and County of San Francisco on June 14, 2023 filed its application for renewal of its judgment.

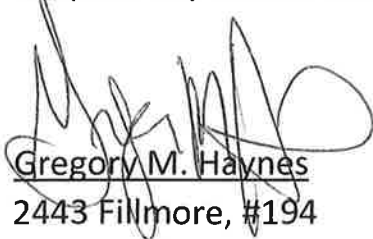
In both cases, the Ninth Circuit panel failed to address and overlooked whether California Code of Civil Procedure 683.170 (a) which provides that "[T]he renewal of a judgment pursuant to this article may be vacated on any ground that would be a defense to an action on the judgment" and Tashiian v Fernandez 544 Feb appx 749 (9th Cir 2013).

Thus, the issue presented presents an important constitutional issue which also evades review, including fraud on the court under FRCP 60 (d)(3).

This extension is necessary due to petitioner working on a related matter concerning the State Bar of California and the preparation of a lawsuit in the United States District Court for the Northern District of California, concerning the outcome of a decision in the State Bar Court.

Petition seeks until Oct 18, 2025 to file the petition for Writ of Certiorari.

Respectfully Submitted



Gregory M. Haynes

2443 Fillmore, #194

San Francisco, CA 94115

(415) 424-0283

In Pro Per

I declare that I am over age 18 and my business address is in San Francisco. I am not a party to this action.

I served the following document on the person listed below:

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Person served

Jennifer E. Choi
San Francisco City Attorney's Office
1390 Market Street
7th Floor
San Francisco, CA 94102
For the City Defendants and appellees
Ninth Circuit case no. 23-15162 and case no. 23-3327

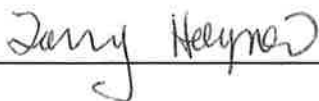
by placing a true copy of the same in a envelop with proper postage
address to the above and placing the same in the U.S. mail on 8-13-
25

Erik S. Faussner,
Jessica Julia Hansen-Arenas
Hassard Bonnington, LLP
111 Pine Street
Suite 1530
San Francisco, CA 94111
For the Regent defendants
Ninth Circuit case no. 23-15162

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

Executed in San Francisco,

DATED: 8-13-25



NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 13 2025

FOR THE NINTH CIRCUIT

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

CHERYL COTTERILL,

No. 23-3327

Plaintiff,

D.C. No. 4:08-cv-02295-JSW

and

MEMORANDUM*

GREGORY MELVIN HAYNES,

Plaintiff - Appellant,

v.

**CITY AND COUNTY OF SAN
FRANCISCO; et al.,**

Defendants - Appellees,

and

**REGENTS OF THE UNIVERSITY OF
CALIFORNIA; et al.,**

Defendants.

GREGORY MELVIN HAYNES,

No. 23-15162

Plaintiff - Appellant,

D.C. No. 4:08-cv-02295-JSW

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

and

CHERYL COTTERILL,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO; REGENTS OF THE
UNIVERSITY OF CALIFORNIA; et al.,

Defendants - Appellees,

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted December 4, 2024**
San Francisco, California

Before: COLLINS, VANDYKE, and MENDOZA, Circuit Judges.

Gregory Haynes appeals from the district court's order denying his motions to vacate Appellees' judgment against him and to disqualify Judge White. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion. *Payton v. Davis*, 906 F.3d 812, 817 (9th Cir. 2018) (reviewing denial of Rule 60(d) motion for abuse of discretion); *Irvine Unified Sch. Dist. v. K.G.*, 853 F.3d 1087, 1090 (9th Cir. 2017) (reviewing denial of Rule 60(b) motion for abuse of

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discretion); *United States v. Rogers*, 119 F.3d 1377, 1380 (9th Cir. 1997) (reviewing denial of a motion for disqualification for abuse of discretion). We affirm.

1. The district court did not abuse its discretion in denying Haynes's motions for relief from judgment on the grounds that the motions to vacate were untimely and lack merit.¹ First, Haynes fails to demonstrate that his motions, to the extent they seek relief under Rules 60(b)(4) and (b)(6), were timely. Motions brought under Rule 60(b)(4)–(6) “must be made within a reasonable time.” Fed. R. Civ. P. 60(c)(1). “What constitutes ‘reasonable time’ depends upon the facts of each case, taking into consideration the interest in finality, the reason for delay, the practical ability of the litigant to learn earlier of the grounds relied upon, and prejudice to other parties.” *Ashford v. Steuart*, 657 F.2d 1053, 1055 (9th Cir. 1981) (per curiam). Haynes filed his motions more than nine years after the entry of judgment and award of sanctions, and more than eight years after the Committee

¹ Haynes filed two motions to vacate, each seeking to vacate the same judgment that we affirmed on March 23, 2015. That judgment consisted of \$165,578.37 owed to the Board of the Regents of the University of California (“Regents”) and \$196,967.24 owed to the City and County of San Francisco (the “City”). In 2022, the Regents renewed its judgment. Shortly thereafter, Haynes filed his first motion, seeking to “vacate the judgment in this matter as to all defendants” “based on the judgment being void” and “based on the judgment being a fraud upon the court.” Later, the City filed an application to renew its judgment. Haynes then filed his second motion, seeking to “vacate the judgment as to all city defendants who have filed an application for renewal of Judgment” due to “legal error in the issuance of the judgment.”

on Codes of Conduct of the Judicial Conference of the United States published an opinion letter regarding Judge White's recusal inquiry due to his relationship with his son. Despite asserting that he was unaware of the "disqualification issue" in June 2013, Haynes does not indicate when he learned of this information. He thus fails to bear his burden to demonstrate timeliness.

Second, the district court properly denied Haynes's motions to vacate the judgment under Rules 60(b)(4), (b)(6), and (d)(3). Pursuant to Rule 60(b)(4), Haynes failed to demonstrate that the judgment is void on the grounds that the district court "lacked jurisdiction, either as to the subject matter of the dispute or over the parties to be bound, or acted in a manner inconsistent with due process of law." *United States v. Berke*, 170 F.3d 882, 883 (9th Cir. 1999). Nor does the employment of Judge White's son with the City Attorney's Office rise to the level of extraordinary circumstances, as required under Rule 60(b)(6), or establish fraud on the court under Rule 60(d)(3). *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005) ("[O]ur cases have required a movant seeking relief under Rule 60(b)(6) to show 'extraordinary circumstances' justifying the reopening of a final judgment." (citation omitted)); *United States v. Sierra Pac. Indus., Inc.*, 862 F.3d 1157, 1167 (9th Cir. 2017) ("[R]elief from judgment for fraud on the court is 'available only to prevent a grave miscarriage of justice.'" (citation omitted)). Indeed, as the Committee on Codes of Conduct of the Judicial Conference of the United States

concluded, Judge White’s recusal was unnecessary because the evidence did “not lead the Committee to conclude that [his] impartiality might reasonably be questioned.” Additionally, Judge White acknowledged that he “did not share with his son any of the matters against the City pending before him.”

2. For the same reasons outlined above, the district court did not abuse its discretion in denying Haynes’s motion to disqualify Judge White. There was no error in denying the motion because it is untimely. *See Rogers*, 119 F.3d at 1382 (finding that failure to file a disqualification motion until more than one and one-half years after the party became aware of the grounds for disqualification rendered the motion untimely). Nor was disqualification necessary, as “‘a reasonable person with knowledge of all the facts would [not] conclude that [Judge White’s] impartiality might reasonably be questioned’” on account of his relationship with his son. *In re Creech*, 119 F.4th 1114, 1121 (9th Cir. 2024) (quoting *United States v. Carey*, 929 F.3d 1092, 1104 (9th Cir. 2019)).

And to the extent Haynes attempts to relitigate the merits of the underlying judgment, we decline to consider such arguments. *See Floyd v. Laws*, 929 F.2d 1390, 1400 (9th Cir. 1991) (“An appeal from a denial of a Rule 60(b) motion brings up only the denial of the motion for review, not the merits of the underlying judgment.”).

AFFIRMED.

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAY 21 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CHERYL COTTERILL,

Plaintiff,

and

GREGORY MELVIN HAYNES,

Plaintiff - Appellant,

v.

CITY AND COUNTY OF SAN
FRANCISCO; et al.,

Defendants - Appellees,

and

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; et al.,

Defendants.

No. 23-3327

D.C. No. 4:08-cv-02295-JSW

ORDER

GREGORY MELVIN HAYNES,

Plaintiff - Appellant,

and

CHERYL COTTERILL,

Plaintiff,

v.

No. 23-15162

D.C. No. 4:08-cv-02295-JSW

CITY AND COUNTY OF SAN
FRANCISCO; REGENTS OF THE
UNIVERSITY OF CALIFORNIA; et al.,

Defendants - Appellees,

Before: COLLINS, VANDYKE, and MENDOZA, Circuit Judges.

All judges voted to deny the petitions for panel rehearing and for rehearing en banc. The full court has been advised of the petitions for rehearing en banc, and no judge of the court has requested a vote on the petitions. Fed. R. App. P. 40. The petitions for panel rehearing and for rehearing en banc (Dkt. 84 in No. 23-15162 & Dkt. 46 in No. 23-3327) are DENIED.