

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS BRYON CATTELL,

Petitioner,

v.

VICTORIA DEEKS, ET AL.

Respondents.

**On Application for an Extension of Time to File Petition for a Writ of
Certiorari to the United States Court of Appeals for the Eighth Circuit**

Dated: September 5, 2025

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Counsel for Petitioner

To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Thomas Cattell. respectfully requests that the time to file its petition for a writ of certiorari be extended for sixty (60) days, up to and including Friday, November 14, 2025, or, due to intervening religious holidays and other matters, forty-five (45) business days, up to and including Thursday, October 30, 2025. The Court of Appeals issued its opinion on May 7, 2025 (Exhibit B) and denied rehearing en banc on June 16, 2025 (Exhibit A). Absent an extension of time, the petition would be due on September 15, 2025. The jurisdiction of this Court is based on 28 U.S.C. 1254(1). The petition is timely because it has been filed at least ten days prior to the date on which the time for filing the petition is to expire. The position of opposing counsel was requested, but is unknown.

Background

This case presents an important question on the right of mentally disabled civil litigants to get fair trials and due process: Whether and in what context a showing of actual prejudice is required in determining when a court abuses its discretion in failing to grant a continuance or mistrial that results in a civil litigant being forced to proceed *pro se*, especially where a litigant has a mental disability such as autism. Initial investigation shows that the circuit courts are likely in disagreement and that the Ninth Circuit's own view may not comport with federal constitutional due process standards. The Ninth Circuit held there was no abuse of discretion by the trial court, analyzing whether actual prejudice occurred after the fact of trial, that there was no actual prejudice to an autistic man who was forced to conduct a fifteen (15) day complex

bankruptcy adversary proceeding without an attorney that resulted in the Applicant losing his life savings in real property without mentioning the word “autism” once in its opinion.

Specifically, circuit courts disagree regarding whether (1) actual prejudice need be shown at all or is presumed in cases where parties are denied an attorney by a court’s ruling and (2) whether, if required, the actual prejudice factor is analyzed (a) in the context of the potential for actual prejudice at the time of the motion hearing or (b) post-hac, after a trial is concluded.

Reasons For Granting an Extension of Time

Jesse London is counsel of record for petitioner in this matter. He presented oral argument in the Bankruptcy Appellate Panel and in the Ninth Circuit appeal. Mr. Cattell, Petitioner, has autism and drives a long-haul truck making coordination with Mr. Cattell on his matters difficult in the short time frames required for briefing in complex matter. Moreover, Mr. Cattell has very little means, but deserves representation especially during appeal, since he was denied it at trial. Counsel in this matter has strived to accommodate Mr. Cattell’s means in these matters given his mental disability, but it can cause inescapable delay, especially given Mr. Cattell’s remoteness given his travel and autism effects on his employment.

This briefing in this appeal is significantly complex and the current schedule, especially with the issues aforementioned regarding Mr. Cattell’s participation, falls during a period of heavy caseload for Mr. London and during the highly compressed pre-scheduled vacation time in the short summer season in the Northwest. Moreover, if the Court might grant an extension at all, and such extension is granted of thirty (30) or less being due on or before October 13, 2025, the briefing schedule will be chiefly in the period of the Rosh Hashanah and Yom Kippur holidays and a four (4) day jury trial already scheduled out of district for Mr. London from

October 6, 2025 through October 10, 2025. All of these commitments will limit counsel's availability to work on this matter between today and October 13, 2025.

CONCLUSION

For the reasons set forth above. Petitioner respectfully requests requests that the time to file its petition for a writ of certiorari be extended for sixty (60) days, up to and including Friday, November 14, 2025, or, due to intervening religious holidays and other matters, forty-five (45) business days, up to and including Thursday, October 30, 2025.

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