

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re Cochren

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

**APPLICATION DIRECTED TO THE HONORABLE JUSTICE BRETT M.
KAVANAUGH AS CIRCUIT JUSTICE FOR THE EIGHTH CIRCUIT**

Michael Cochren II

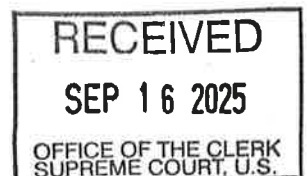
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**To the Honorable Brett M. Kavanaugh, as Circuit Justice for the United States
Court of Appeals for the Eighth Circuit:**

Now comes *pro se* Petitioner/Plaintiff/Appellant, Michael Anthony Christopher Cochren II, to apply for an extension of time to file his petition for a writ of certiorari, pursuant to SCOTUS Rule 13.5. Petitioner would like for his Thursday, October 9, 2025 deadline to be extended to Friday, October 10, 2025; it's to secure the timeliness of his petition under 28 U.S. Code § 2101(c) and to, also, answer pursuant to SCOTUS Rule 13.3.

I. JURISDICTION

After the final decision of the United States District Court for the Eastern District of Missouri, in *Cochren v. White Castle System, Inc., et al., (E.D.Mo.)(2024)*, Petitioner went to the jurisdiction of the United States Court of Appeals for the Eighth Circuit pursuant to 28 U.S. Code § 636(c)(3), 42 U.S. Code § 2000e-5(j), 28 U.S. Code § 1291, and 28 U.S. Code § 1294(1). The date on which the eighth circuit court of appeals decided Case No. 25-1196 and summarily affirmed the lower court, without opinion, was May 14th, 2025. (see Appendix A, at 3a). A timely, and combined, petition for rehearing and rehearing en banc was denied by the circuit court of appeals on July 11th, 2025. (see Appendix B). A formal mandate was issued on July 22nd, 2025. (see Appendix C) The petition for a writ of certiorari will be made pursuant to SCOTUS Rule 14, and comes within ninety (90) days of July 11th, 2025, pursuant to SCOTUS Rule 13.3. The jurisdiction of this Court will be invoked under 28 U.S. Code § 1254(1). The petition is for an Extraordinary Writ to be *issued* under 28 U.S. Code § 1651 and the All Writs Act.

II. JUDGMENT SOUGHT TO BE REVIEWED

Petitioner would like for the circuit court's judgment to be reviewed. (Appendix A, at 3a) Pursuant to SCOTUS Rule 10(a), the eighth circuit court of appeals affirmed and upheld, ("sanctioned"), the district court's departure from the *accepted* and usual course of judicial proceedings, as to call for an exercise of this Court's supervisory power. Cochren's petition involves 18 U.S. Code § 2071, 18 U.S. Code § 2073, 18 U.S. Code § 2076, 28 U.S. Code § 1912, 28 U.S. Code § 1361 and FRCP 55. The circuit court's judgment was also entered before a deadline was issued for the appellant's opening brief; the information for all pro se parties says to *specifically* wait for a circuit court order. (see Appendix D, at 2d)

III. REASONS ON WHY AN EXTENSION IS JUSTIFIED

This application is to have the petition remain *timely* under 28 U.S. Code § 2101(c). SCOTUS Rule 13.2 states, "The Clerk will not file *any* petition for a writ of certiorari that is jurisdictionally out of time. See, e. g., 28 U. S. C. § 2101(c).".

28 U.S. Code § 2101(c) - Supreme Court; Time for Appeal or Certiorari; Docketing; Stay

"(c) Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days."

Notes.

"Subsection (c), with respect to the time for taking other appeals or petitioning for a writ of certiorari, substitutes, as more specific, the words 'ninety days' for the words 'three months' contained in section 350 of title 28, U.S.C., 1940 ed. The provision in said section 350 for allowance of additional time was retained, notwithstanding the language of the Supreme Court in *Comm'r v. Bedford's Estate*, 1945, 65 S.Ct. 1157, 1159, 325 U.S. 283, 89 L.Ed. 1611, to the effect that the 3 months' period is 'more than ample * * * to determine whether to seek further review'."

Footnote from the Supreme Court Case in the Statute's Notes.

"Sec. 8(a) That no writ of error, appeal, or writ of certiorari, intended to bring any judgment or decree before the Supreme Court for review shall be allowed or entertained unless application therefor be duly made within three months after the entry of such judgment or decree, excepting that writs of certiorari to the Supreme Court of the Philippine Islands may be granted where application therefor is made within six months: Provided, That for good cause shown either of such periods for applying for a writ of certiorari may be extended not exceeding sixty days by a justice of the Supreme Court.' 43 Stat. 936, 940, 28 U.S.C. § 350, 28 U.S.C.A. § 350." See *Commissioner v. Estate of Bedford*, 325 U.S. 283 (1945)

SCOTUS Rule 13.5 details *how* an extension is applied for.

"5. For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. The application must clearly identify each party for whom an extension is being sought, as any extension that might be granted would apply solely to the party or parties named in the application. For the time and manner of presenting the application, see Rules 21, 22, 30, and 33.2. An application to extend the time to file a petition for a writ of certiorari is not favored."

Petitioner requests a fifty-nine (59) day extension, from August 12, 2025, to timely file a petition for a writ of certiorari within the time established by the circuit court of appeals' judgment (*see* Appendix A) issued on May 14, 2025, pursuant to SCOTUS Rule 13.5. Cochren believes his petition, also, has to be timely filed *under statute* for this Court's rules to be applied, and statute says from the "judgment or decree"; the rehearing denial is an "order". This extension request isn't for a fifty-nine (59) day extension from the deadline established by the *denial* for rehearing en banc, on July 11, 2025, nor from

the formal mandate issued on July 22, 2025; it's basically one hundred forty-nine (149) days counted from May 14, 2025.

Pursuant to SCOTUS Rule 30.2, this application comes more than ten (10) days before Cochren's petition is due by October 9, 2025, the deadline of ninety (90) days from the *order* respecting rehearing. Whether his application for an extension is granted or not, Petitioner will be filing 40 copies of his petition, prepared under SCOTUS Rule 33.2, pursuant to time requirements of SCOTUS Rule 13.3.

The main respondent, for the case, is White Castle System, Inc. (White Castle); Petitioner believes the EEOC and their St. Louis District Field Office are respondents that have no interest in the outcome of the case, under SCOTUS Rule 12.6. The EEOC's counsel will still receive copies of what Cochren files; Cochren has no intent to take away any extension that the respondent(s) may receive, in the case of him receiving an extension.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a 59-day extension, up to and including Friday, October 10, 2025, in which to file his petition for a writ of certiorari, under 28 U.S. Code § 2101(c).

Signed on the 11th day of September 2025.

Respectfully Submitted,

Michael Cochren II

PRO SE LITIGANT

x MC^{II}

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No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In re Cochren

Appendix to Petitioner's Application for an Extension on Time to File a Petition for a Writ
of Certiorari

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Saint Louis, MO 63118

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For The Eighth Circuit
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Susan E. Bindler
Clerk of Court

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May 14, 2025

Michael Anthony Christopher Cochren II
3409 Chippewa Street
Saint Louis, MO 63118

RE: 25-1196 Michael Cochren, II v. White Castle System, Inc., et al

Dear Michael Anthony Christopher Cochren II:

Enclosed is a copy of the dispositive order entered today in the referenced case.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing must be received by the clerk's office within the time set by FRAP 40 in cases where the United States or an officer or agency thereof is a party (within 45 days of entry of judgment). Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, pro se petitions for rehearing are not afforded a grace period for mailing and are subject to being denied if not timely received.

Susan E. Bindler
Clerk of Court

BNW

Enclosure(s)

cc: Clerk, U.S. District Court, Eastern District of Missouri
James Driscoll-MacEachron
Blake Michael Edwards
Rachel Leavitt
Alan L. Rupe
Alden J. Vogel

District Court/Agency Case Number(s): 4:24-cv-01129-JSD

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Appendix A

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 25-1196

Michael Anthony Christopher Cochren, II

Plaintiff - Appellant

v.

White Castle System, Inc.; Equal Employment Opportunity Commission; U.S. St. Louis District
Office (EEOC)

Defendants - Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:24-cv-01129-JSD)

JUDGMENT

Before LOKEN, BENTON, and GRASZ, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion to amend caption is denied as moot.

May 14, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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Appendix A

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 25-1196

Michael Anthony Christopher Cochren, II

Appellant

v.

White Castle System, Inc., et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:24-cv-01129-JSD)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

July 11, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

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Appendix B

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 25-1196

Michael Anthony Christopher Cochren, II

Appellant

v.

White Castle System, Inc., et al.

Appellees

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis
(4:24-cv-01129-JSD)

MANDATE

In accordance with the judgment of May 14, 2025, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

July 22, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

lc

Appendix C

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