

App No. _____

**In The
Supreme Court of the United States**

Chantel Mitchell, Petitioner
v.
Office Depot, Inc., Respondent
No. 24-292

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

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

Chantel Mitchell
6815 Peck Ave Anchorage, AK 99504
907-244-2990
mchantel96@gmail.com
November 8, 2025

Introduction and Request for Extension

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

Pro Se Petitioner, Chantel Mitchell, respectfully requests an extension of time to file a petition for writ of certiorari in the above-captioned matter. Petitioner seeks an additional 60 days beyond the current deadline to ensure adequate time to prepare and finalize the certiorari petition.

The current deadline is November 25, 2025; if a 60-day extension were applied, the revised due date would be Monday, January 26, 2026.

Petitioner is filing this application more than 10 days before the deadline.

Legal Standard and Justification

This Court has jurisdiction to review the judgment of the United States Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 1254(1), which authorizes the Supreme Court to consider final judgments or decrees rendered by United States courts of appeals. The underlying proceedings originated in the United States District Court for the District of Alaska. The judgment of the Ninth Circuit was entered on August 27th 2025, and is final for purposes of Supreme Court review. No petition for rehearing remains pending in the lower courts.

The petition for writ of certiorari is timely under Supreme Court Rule 13, which provides that a petition must be filed within ninety days after entry of the judgment or order sought to be reviewed. Petitioner seeks an extension of time to file the petition for writ of certiorari, as permitted by Supreme Court Rule 13.5 which authorizes the Court to grant an extension of time to file a petition for writ of certiorari for good cause shown.

The Court has recognized that extensions may be warranted where the petitioner demonstrates diligence, the case presents complex or significant legal issues, or additional time is needed to ensure adequate preparation. Petitioner has acted diligently in preparing the petition and seeks this extension to ensure that all relevant arguments and authorities are fully addressed.

Background and Factual Basis

This case arises from a Title VII employment discrimination action brought by Chantel Mitchell against Office Depot, Inc. After the Alaska district court dismissed the complaint as untimely, the Ninth Circuit affirmed the dismissal and subsequently denied Petitioner's request for panel

rehearing and rehearing en banc on August 27th, 2025 and the mandate was issued on September 4th 2025. Petitioner is now preparing a petition for writ of certiorari to the Supreme Court. Due to the complexity of the legal issues, the need for thorough review of the record, and ongoing efforts to finalize the petition, additional time is necessary to ensure the petition is complete and properly addresses the important questions presented.

Arguments Supporting the Extension

The requested extension is justified by several factors.

First, on Thursday, November 6, 2025, I was required to take my mother to the emergency room due to a sudden and severe escalation of hip pain. My mother had previously sought medical attention for this condition, consulting with her physician in or around the summer of 2025. The physician, considering her age and symptoms, diagnosed the issue as bone-related and prescribed a calcium supplement regimen to be followed for one year, with a scheduled follow-up examination. My mother diligently adhered to this medical advice, taking the prescribed medication as directed, and experienced initial improvement in her symptoms.

The emergency room visit revealed that her pain was attributable to two distinct underlying causes, which had not been previously identified. The attending physician recommended immediate surgical intervention, and the first surgery was performed on November 7, 2025. Following the procedure, it was explained that addressing both medical issues simultaneously would have posed significant risks, necessitating a second surgery in the coming weeks or months.

This sequence of events was entirely unexpected, as my mother had actively sought treatment and complied with all medical recommendations. Up until the emergency, she had not exhibited any alarming symptoms beyond the initial pain. The need for multiple surgeries and the discovery of additional underlying causes were unforeseen, despite her diligence in managing her health.

These developments required my immediate and sustained attention, directly impacting my ability to prepare and file the petition for writ of certiorari within the prescribed timeframe. I have acted diligently in all respects, but the extraordinary and unforeseeable nature of my mother's medical emergency has created circumstances beyond my control, necessitating this request for an extension.

Second, the case involves complex questions regarding the collective application of equitable tolling to statutory deadlines (primarily focusing on the context of documented illness and pandemic-related disruptions). Third, Petitioner is continuing to research and analyze relevant legal authorities, including Supreme Court and circuit precedent, alongside ongoing efforts to assemble pertinent evidence to ensure the petition is comprehensive and persuasive. Fourth, the record is extensive and requires careful review to accurately present the factual and procedural history. Fifth, the issues raised are of exceptional importance to pro se litigants and the uniform

administration of federal anti-discrimination law, warranting additional time for thorough preparation.

Sixth, Petitioner has independently managed all aspects of this litigation and is preparing the petition without institutional support. In addition to the demands of solo representation, Petitioner experienced the unexpected loss of a longtime companion animal approximately one month prior to the entry of judgment. The emotional and logistical impact of these events, coupled with the proximity of the current deadline to the Thanksgiving holiday, has further constrained Petitioner's ability to finalize the petition within the standard timeframe.

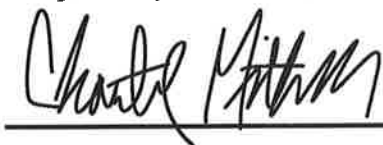
Petitioner has exercised diligence in preparing the petition, including conducting extensive legal research, analyzing circuit-level tolling inconsistencies, and drafting preliminary sections of the argument. However, given the complexity of the issues and the absence of institutional support, additional time is needed to synthesize the arguments and finalize the submission in a manner that aids the Court's discretionary review.

No previous extension has been requested or granted in this matter.

Conclusion and Formal Request

For the foregoing reasons, Petitioner respectfully requests that the Court grant an extension of 60 days to file the petition for writ of certiorari. Petitioner appreciates the Court's consideration and reaffirms the importance of the case and the need for additional time to ensure a complete and well-supported petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chantel Mitchell", is written over a horizontal line.

Chantel Mitchell
6815 Peck Ave Anchorage, AK 99504
907-244-2990
mchantel96@gmail.com
November 8, 2025

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 27 2025

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

CHANTEL MITCHELL,

Plaintiff - Appellant,

v.

OFFICE DEPOT, INC.,

Defendant - Appellee.

No. 24-292

D.C. No.

3:22-cv-00183-SLG-KFR

District of Alaska,
Anchorage

ORDER

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

The panel unanimously voted to deny Mitchell's petition for panel rehearing, and has recommended denying the petition for rehearing en banc. The full court has been advised of Mitchell's petition for rehearing en banc, and no judge of the court has requested a vote. Fed. R. App. P. 40. Mitchell's petition for panel rehearing and rehearing en banc, Dkt. No. 19, is **DENIED**.

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 18 2025

FOR THE NINTH CIRCUIT

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

CHANTEL MITCHELL,

Plaintiff - Appellant,

v.

OFFICE DEPOT, INC.,

Defendant - Appellee.

No. 24-292

D.C. No.

3:22-cv-00183-SLG-KFR

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Sharon L. Gleason, Chief District Judge, Presiding

Submitted July 14, 2025**

Before: HAWKINS, S.R. THOMAS, and McKEOWN, Circuit Judges.

Chantel Mitchell appeals pro se from the district court's judgment dismissing her employment action alleging discrimination claims under federal law. We have jurisdiction under 28 U.S.C. § 1291. "We review a district court's ruling that a Title VII action is barred by the statute of limitations de novo." *Payan*

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

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

v. Aramark Mgmt. Servs. Ltd. P'ship, 495 F.3d 1119, 1121 (9th Cir. 2007). We affirm.

The district court properly dismissed Mitchell's action because Mitchell filed her complaint more than ninety days after she received a "Right to Sue" letter from the Equal Employment Opportunity Commission ("EEOC"). 42 U.S.C. § 2000e-5(f)(1); *see also Scholar v. Pac. Bell*, 963 F.2d 264, 266-67 (9th Cir. 1992) ("The requirement for filing a Title VII civil action within 90 days from the date EEOC dismisses a claim constitutes a statute of limitations."). While the ninety-day deadline is subject to equitable tolling, Mitchell has not established that (1) "[she] has been pursuing [her] rights diligently," and (2) "some extraordinary circumstance stood in [her] way." *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005).

Mitchell gives two excuses for filing late: she contracted COVID-19 during the ninety-day period and she miscounted when the ninety days expired. Given that Mitchell had seventy-five days to prepare her complaint before she tested positive for COVID-19, and returned to work five days later, her failure to timely file constitutes "a garden variety claim of excusable neglect" to which the equitable tolling doctrine does not apply. *Irwin v. Dep't of Veterans Affs.*, 498 U.S. 89, 96 (1990).

AFFIRMED.

CERTIFICATE OF SERVICE

I, Chantel Mitchell, hereby certify that on November 8, 2025, I caused a copy of the foregoing Application for Extension of Time to File Petition for Writ of Certiorari to be served on counsel for Respondent by U.S. Mail, addressed as follows:

Attorney Gregory Scott Fisher

Littler Mendelson, P.C.

880 H Street, Suite 102

Anchorage, AK 99501

GSFisher@littler.com

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

Executed on November 8, 2025

A handwritten signature in black ink, appearing to read "Chantel Mitchell", is written over a horizontal line.

Chantel Mitchell

6815 Peck Ave Anchorage, AK 99504

907-244-2990

mchantel96@gmail.com

November 8, 2025

Petitioner and Counsel of Record