

Application No. - - - - -

IN THE SUPREME COURT OF THE UNITED STATES

PEYMAN ROSHAN,

Appellant Intervenor Movant

vs.

CHRISTINE M. SEARLE, et. al.

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

Case No. 24-4819

**APPLICATION TO EXTEND TIME TO FILE PETITION
FOR WRIT OF CERTIORARI BY SIXTY (60) DAYS**

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APPLICATION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI

This Application is made to the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit, see S.Ct.R. 30.3 (hereafter “Rule”). On September 30, 2025, the Ninth Circuit denied Pro Se Petitioner Peyman Roshan’s (“Roshan”) motion to intervene in this case. *Searle v. Allen, et. al*, Ninth Circuit Case No. 24-4819. Roshan’s due date for a petition for certiorari challenging that order is December 29, 2025. He hereby requests an extension of that date by 60 days to February 27, 2026.

The *Searle* panel held that Searle’s claims directly attacking the state court foreclosure judgment—on the grounds that the foreclosure violated the United States and Arizona Constitutions because it was a taking without a legitimate public purpose or constituted an excessive fine—were barred by the *Rooker-Feldman* doctrine because Searle complained of injuries caused by the foreclosure judgment and invited the district court to review and reject that judgment. *Searle*, Dkt. 61 at 14-16 (applying the test from *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)). See *Searle* Opinion in Appendix.

In *Reed v. Goertz*, 143 S.Ct. 955 (2023), however, this Court held direct constitutional challenges to a state statute that has been authoritatively interpreted by the state court are general attacks that do not run afoul of *Rooker-Feldman*. Reed challenged the state court’s denial of his motion for post-conviction DNA

testing under the state statute due to the statute's unconstitutionality. The state argued "[a]t bottom, [Reed] challenges the [state's] application of Chapter 64 to him." *Reed v. Goertz, et. al.*, W.D. Tex. (Austin) Case no. 1:19-cv-00794-LY, Dkt. 8 at 13; Roshan Declaration ("Decl."), ¶ 2. *Reed* rejected the state's claim that *Rooker-Feldman* bars Reed's constitutional challenge because Reed was challenging the application of that statute to him, holding such challenges are not a direct challenge to the state court judgment but rather a challenge to the statute governing the state court decision. *Reed* at 961-2 (citing *Skinner v. Switzer* 562 U.S. 521, 532 (2011), stating even though a "state-court decision is not reviewable by lower federal courts," a "statute or rule governing the decision may be challenged in a federal action.").

Searle cited and argued *Rooker-Feldman* should not apply under *Reed v. Goertz*. *Searle v. Allen, et. al.*, 9th Cir. Case No. 24-4819, Dkt. 12 at 48; Decl, ¶ 3. Though the panel cited *Skinner* for the above proposition quoted from *Skinner*, the panel limited the scope of the application of *Skinner*'s analysis to Searle's facial challenge to the constitutionality of the state statute and, by so limiting and without any analysis to distinguish *Skinner* or *Goertz*, the panel held "[c]onstitutional error in the foreclosure proceeding implicates an error by the state court, which is why such challenges are barred by *Rooker-Feldman*." *Searle*, Slip Op. at 18.

Roshan recognized this error and omission in *Searle*, and to preserve horizontal and vertical stare decisis in Roshan's pending cases reaching the Ninth Circuit on the very same issue of interpretation of the application of the *Rooker-Feldman* doctrine (*Roshan v. Lawrence, et al.*, 9th Cir. Case No. 24-7429; and *Roshan v. Sunquist, et al.*, 9th Cir. Case No. 25-3157, Decl. ¶¶ 4, 5), Roshan filed a motion to intervene in *Searle* permitting him to file a petition for rehearing and rehearing en banc on that issue. Decl. ¶ 6. The panel's denial of Roshan's motion to intervene is the subject of this appeal.

Pursuant to Rules 13.5, 22, and 30.2, Roshan respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended based on timing of petitioner's opening brief filing in *Pung v. Isabella County, Mich.* for which this Court granted certiorari on October 3, 2025, No. 25-95, Pung presented exactly the same legal issues as presented against the state defendants in *Searle*. *Pung* recognized the potential application of *Rooker-Feldman* and correctly cited in his complaint the case law which holds it is inapplicable, case law which the Ninth Circuit panel in *Searle* refused to recognize. Roshan intends to submit an amicus brief in *Pung* in support of Pung through counsel in accord with Rule 5, including the time for any responses to Roshan's amicus that would be included in any answering briefs.

Rule 37.3(a) provides an amicus brief must be submitted within 7 days after the brief for the party supported is filed. Since Pung's opening brief is due November 17, 2025, (i.e., 45 days after October 3, 2025), Roshan must submit the amicus brief by November 24, 2025. And since it is unknown whether Pung will obtain an extension, any such extension will make it impossible for Roshan to timely file his petition pursuant to Rules 13.1 and 37.3(a). However, given the below-discussed reasons for this appeal, how respondents address the same *Rooker-Feldman* issues Roshan will raise in *Pung*, and the potential this Court will address the jurisdictional issue in *Pung*, Roshan's petition for a writ of certiorari to appeal may become unnecessary; in any event the position of the parties in *Pung* may be relevant to the content of Roshan's petition in *Searle*.

Roshan therefore respectfully requests an extension of 60 days, but he may file sooner, a reasonable time after the date of the final brief filed by any respondents in *Pung*.

Conclusion

Roshan therefore respectfully requests an extension of 60 days, to February 27, 2026.

Dated this 8th day of October, 2025.

Respectfully submitted:

Peyman Roshan
In Pro Per

DECLARATION OF PEYMAN ROSHAN

1. I am an attorney admitted in California. I am the plaintiff and appellant.

The following matters are from personal knowledge.

2. On September 17, 2025, in *Reed v. Goertz, et. al*, W.D. Tex. (Austin) Case No. 1:19-cv-00794-LY, defendants Goertz, Loucks, and Cooks filed a motion to dismiss for, inter alia, want of jurisdiction under the *Rooker-Feldman* doctrine because “[a]t bottom, [Reed] challenges the [state’s] application of Chapter 64 to him.”

3. In her September 16, 2024 filed opening brief, Searle states “*see also Reed v. Goertz*, 598 U.S. 230, 235 (2023) (rejecting application of the *Rooker-Feldman* because the plaintiff did “not challenge the adverse state-decisions themselves, but rather targets as unconstitutional the Texas statute they authoritatively construed.”)”. See *Searle* opinion attached in Appendix.

4. In my March 20, 2025 filed opening brief in *Roshan v. Lawrence, et al.*, 9th Cir. Case No. 24-7429, in the Statement of Issues section, inter alia, I state:

Did the District Court commit reversible error by refusing to recognize that the Supreme Court’s decision in *Reed v. Goertz*, 143 S. Ct. 955 (2023) has confirmed the *Rooker Feldman* doctrine is inapplicable to lawsuits challenging the constitutionality of the state court’s authoritative construction of a state statute or rule as applied to the federal plaintiff and the judgment upon which it relies?
Id. at Dkt 12, p. 5.

5. In my August 25, 2025 filed opening brief in *Roshan v. Sunquist, et al.*, 9th

Cir. Case No. 25-3157, in the Statement of Issues section, inter alia, I state:

Alternatively, whether the District Court erred in holding it lacks subject matter jurisdiction, based on the *Rooker-Feldman* doctrine, when this Court and the U.S. Supreme Court standards for the application of the *Rooker-Feldman* doctrine are not met when (1) plaintiff's allegations do not constitute a de facto appeal of a state court judgment, (2) plaintiff challenges a state administrative judgment, the reciprocal disciplinary order issued by Defendant DRE commissioner Sunquist, not a state court decision, and (3) under *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005), plaintiff may bring an independent claim that challenges the validity of the legal conclusion of a prior state decision.

Id. at Dkt 9, p. 8.

6. Having this very same issue of interpretation of the application of the *Rooker-Feldman* doctrine pending in the Ninth Circuit, to preserve horizontal and vertical stare decisis, I filed a petition to intervene in this case to permit me to file a petition for rehearing and rehearing en banc on the issue.

I declare, under penalty of perjury of the law of the United States that the foregoing statements of fact are true and correct.

Dated this November 10, 2025 in Santa Rosa, California.



Peyman Roshan
In Pro Per

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 30 2025

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

CHRISTINE M. SEARLE,

Plaintiff - Appellant,

v.

JOHN M ALLEN, in his official capacity as
the treasurer of Maricopa County; et al.,

Defendants - Appellees,

PEYMAN ROSHAN,

Intervenor - Pending.

No. 24-4819

D.C. No.

2:24-cv-00025-JJT

District of Arizona,
Phoenix

ORDER

Before: S.R. THOMAS, PAEZ, and MILLER, Circuit Judges.

Peyman Roshan's motion for leave to intervene to petition for rehearing and rehearing en banc, Dkt. 63, is **DENIED**.

In The
Supreme Court of the United States

PEYMAN ROSHAN,

Appellant Intervenor Movant

vs.

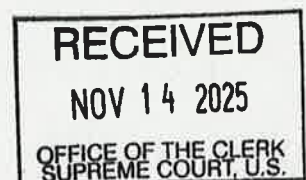
CHRISTINE M. SEARLE, et. al.

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Circuit

Case No. 24-4819

CERTIFICATE OF SERVICE

I, Peyman Roshan, hereby certify that on this 10th day of November, 2025, I caused a copy of the Application to Extend Time to File Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit in Case No. 24-4819, to be served by United States Postal Service to each opposing counsel William Edward Trachman, Mountain States Legal Foundation, 2596 S. Lewis Way, Lakewood CO, 80227, as counsel for respondent Searle; Sean Mikel Moore, Maricopa County Office of the County Attorney Civil Services



Division, 225 West Madison Street, Phoenix, AZ,
85003, as counsel for respondents Allen and County
of Maricopa; and John L. Lohr, Jr., Hymson
Goldstein Pantiliat & Lohr, PLLC, 8706 E
Manzanita Drive, Suite 100, Scottsdale, AZ, 85258.



Peyman Roshan