



STAFNE LAW
Advocacy & Consulting

(360) 403-8700

239 N. Olympic Avenue Arlington, WA 98223

FAX (360) 386-4005

www.STAFNELAW.com

December 16, 2025

Clerk's Office
United State Supreme Court
1 First Street, NE
Washington, DC 20543

Re: **Application for Extension of Time to File Petition for Writ of Certiorari**

Stafne v. Quality Loan Service Corp. of Washington, et al.

(No. 23-3509, U.S. Court of Appeals for the Ninth Circuit)

Dear Clerk of the Court:

Pursuant to Rule 13.5 of the Rules of this Court, Applicant **Scott Erik Stafne**, appearing pro se, respectfully submits the enclosed **Application to the Honorable Justice Elena Kagan** seeking an extension of time to file a petition for a writ of certiorari.

The application requests an extension of sixty (60) days, up to and including **February 16, 2026**.

Thank you for your attention to this matter.

Respectfully submitted,

Scott E. Stafne

No. _____

In the
**SUPREME COURT OF
THE UNITED STATES**

SCOTT ERIK STAFNE

Petitioner

v.

QUALITY LOAN SERVICE CORPORATION,
OF WASHINGTON, et al.,

Respondents

On Petition for a Writ of Certiorari from
Ninth Circuit Court of Appeals
Case No. 23-3509

**APPLICATION TO EXTEND THE TIME TO
FILE A PETITION FOR A WRIT OF
CERTIORARI**

APPLICATION TO THE HONORABLE JUSTICE
ELNA KAGAN OF THE SUPREME COURT OF
THE UNITED STATES

Scott E. Stafne, *pro se*
STAFNE LAW *Advocacy & Consulting*
239 N. Olympic Avenue
Arlington, WA 98223
360.403.8700
scott@stafnelaw.com

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Scott Erik Stafne hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Monday, February 16, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The August 15, 2025 Memorandum, for which review is sought is, *Scott Erik Stafne, v. Quality Loan Service Corp. of Washington., et al.*, No. 23-3509, which is attached hereto as **Exhibit 1**. The Ninth Circuit Court of Appeals denied Applicant's petition for rehearing en banc review on September 19, 2025, which is attached hereto as **Exhibit 2**.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28

U.S.C. § 1254(1). Under Rules 13.1, 13.3 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before December 18, 2025.

**REASONS JUSTIFYING AN EXTENSION
OF TIME**

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Ninth Circuit Court of Appeals in this case, up to and including February 16, 2025.

1. Applicant is disabled within the meaning of the Americans with Disabilities Act under 42 U.S.C. Ch. 126, Pub. L. No. 101-336, § 1, 104 Stat. He will be 76 years-old in January and suffers from both acute and chronic medical conditions, including but not limited to: age, diabetes, HIV, cardiac abnormalities, respiratory conditions, spinal problems, metabolic disease, gastrointestinal

abnormalities, and persistent stress, which began affecting him in December 2022 when he first started coughing up mucus during a trial which has not been resolved.

2. These conditions and disabilities make it difficult for Applicant to work and/or work for sustained periods of time preparing legal presentations, such as petitions for a writ of certiorari.
3. Applicant and his partner, Larry Stuafter, contracted a flu and/or severe cold approximately three days ago. Both are experiencing congestion and increased phlegm, which make breathing somewhat difficult.
4. As a result of the foregoing conditions and disabilities, Applicant requires frequent medical appointments and treatments which significantly affect his ability to meet legal deadlines.

5. Notwithstanding these conditions and disabilities Applicant recently was called upon to file an Article 15 filing with the International Criminal Court with regard to those crimes against humanity which appear to be continuing in Nigeria after the office of the prosecutor of that Court dismissed that case in 2020 based on prosecutorial discretion. Applicant has attached hereto as **Exhibit 3** the reference filing document pertaining to that legal presentation.
6. Applicant is an attorney appearing pro se in this matter, which arises from sanctions imposed in connection with his representation in *DeBotton v. Quality Loan Service Corp. of Washington*, No. 2:23-cv-00223-RSL (W.D. Wash.). The sanctions stem from Applicant's refusal to file substantive presentations on behalf of his client while the

district court asserted authority to proceed through a senior judge whose participation had been timely objected to. At the time, the case was on appeal to the Ninth Circuit Court of Appeals, and issues concerning the court's authority and the availability of appellate review were pending under both the collateral order doctrine and thereafter pursuant to the final judgment rule. These unresolved procedural and constitutional questions form the backdrop of the petition for certiorari Applicant intends to file. Relevant filings in this court regarding this judicial inquiry, i.e. DeBotton's petition for a writ of certiorari and petition for rehearing, are publicly available at: <https://www.supremecourt.gov/search.aspx?filena me=/docket/docketfiles/html/public/23-539.html>.

7. Applicant also suffers from lack of support staff to assist in this and other matters, creating further difficulties in scheduling and meeting legal deadlines.
8. Applicant has also been actively involved in defending a formal complaint against him initiated by the Washington State Bar Association, which claims that the federal district court's sanctioning of Stafne through senior judges provides a basis for discipline being imposed on Stafne by the Washington State Bar Association.
9. Granting a 60-day extension of time will not prejudice Respondents.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days,

up to and including February 16, 2025, within which to
file the petition for a writ of certiorari in this case.

DATED this 16th day of December 2025.

By: *s/ Scott E. Stafne*

Scott E. Stafne, WSBA No. 6964

Stafne Law Advocacy & Consulting

239 North Olympic Avenue

Arlington, WA 98223

360.403.8700

Scott@Stafnelaw.com

Appearing Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing documents with the Clerk of the Court and that I will provide service of this document electronically and U.S. First Class Mail, with postage pre-paid to the parties listed below.

John M. Thomas, WSBA #42447
McCarthy & Holthus LLP
920 SW Third Avenue (First Floor)
Portland, OR 97204
jthomas@mccarthyholthus.com
Counsel for Quality Loan Services Corporation of Washington; McCarthy & Holthus LLP; and Warren Lance

Midori Sagara, WSBA #39626
Buchalter PC
1420 5th Avenue Suite 3100
Seattle, WA 98101
msagara@buchalter.com
Counsel for Select Portfolio Servicing, Inc.

R. July Simpson, WSBA #45869
Assistant Attorney General, State of Washington
7141 Cleanwater Drive SW
Olympia, WA 98504
july.simpson@atg.wa.gov
Counsel for State of Washington

Dated this 16th day of December 2025, at Arlington,
Washington.

By s/ *Scott E. Stafne*
Scott E. Stafne, Attorney.

EXHIBIT 1

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 15 2025

FOR THE NINTH CIRCUIT

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

SCOTT ERIK STAFNE, Counsel for
Plaintiff,

Plaintiff - Appellant,

v.

QUALITY LOAN SERVICE
CORPORATION, of Washington;
MCCARTHY & HOLTHUS, LLP;
WARREN LANCE; FIRST HORIZON
LOAN CORPORATION; SELECT
PORTFOLIO SERVICING, INC.; STATE
OF WASHINGTON,

Defendants - Appellees.

No. 23-3509

D.C. No.

2:23-cv-00223-RSL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Robert S. Lasnik, District Judge, Presiding

Submitted August 13, 2025**
Seattle, Washington

Before: HAWKINS, McKEOWN, and WARDLAW, Circuit Judges.

* 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).

Scott Erik Stafne, the attorney in the underlying merits case, appeals from an order imposing sanctions under Federal Rule of Civil Procedure 11. We have jurisdiction under 28 U.S.C. § 1291 and review for abuse of discretion the district court’s imposition of sanctions. *Primus Auto. Fin. Servs., Inc. v. Batarse*, 115 F.3d 644, 648 (9th Cir. 1997). Because the parties are familiar with the facts, we need not recount them here. We affirm.

Stafne’s primary argument is that District Judge Lasnik did not have proper authority to issue the sanctions order, or any other order, because he is a senior judge. Stafne has been making—and losing—this argument since at least 2018.¹ As we concluded in one such prior case, Stafne’s “argument that the senior district judge who heard his case was a retired judge merely acting as an Article III judge in this case, is without merit. Senior judges ‘are, of course, life-tenured Article III judges.’” *Bank of New York Mellon v. Stafne*, 824 F. App’x 536 (9th Cir. 2020) (citing *Nguyen v. United States*, 539 U.S. 69, 72 (2003) (cleaned up)).

Stafne also argues that the district judge should not have decided any merits

¹ See *Bergeron v. Deutsche Bank Nat’l Tr. Co. as Tr. for New Century Home Equity Loan Tr. 2006-1*, No. C24-0929JLR, 2024 WL 3566130 (W.D. Wash. July 29, 2024); *Stafne v. Burnside*, No. 22-35547, 2024 WL 2318169 (9th Cir. May 22, 2024); *de Botton v. Quality Loan Serv. Corp. of Wash.*, No. 23-0223RSL, 2023 WL 8472422 (W.D. Wash. Dec. 7, 2023); *Hoang v. Bank of Am., N.A.*, No. C17-0874JLR, 2021 WL 615299 (W.D. Wash. Feb. 17, 2021); *Bank of New York Mellon v. Stafne*, 824 F. App’x 536 (9th Cir. 2020); *Stafne v. Zilly*, 337 F.Supp.3d 1079 (W.D. Wash. 2018), *aff’d*, 820 F. App’x 594 (9th Cir. 2020).

motions while Stafne had a pending appeal: a challenge to the denial of Stafne’s motion to remand, again based on Judge Lasnik’s alleged lack of authority as a senior judge. While an appeal generally “confers jurisdiction on the court of appeals and divests the district court of its control[,]” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982), we have explained “that the denial of a motion to remand is not a final order appealable under 28 U.S.C. § 1291.” *Est. of Bishop By & Through Bishop v. Bechtel Power Corp.*, 905 F.2d 1272, 1274 (9th Cir. 1990); *see also United States v. Washington*, 573 F.2d 1121, 1122 (9th Cir. 1978) (denial of a motion to disqualify the trial judge is neither final nor appealable). Stafne’s appeal was “dismissed for lack of jurisdiction” because there was no final order; jurisdiction was never transferred to us from the district court. Stafne never moved for a stay while his appeal was pending and instead failed to oppose several motions for summary judgment or timely oppose the motion for sanctions.

Additionally, Stafne’s appeal was based on the same theory that senior judges lack authority, which Stafne knew was frivolous having previously lost on this issue multiple times—and being warned by the court. *See e.g. Bergeron v. Deutsche Bank Nat’l Tr. Co. as Tr. for New Century Home Equity Loan Tr. 2006-1*, No. C24-0929JLR, 2024 WL 3566130, at *2 (W.D. Wash. July 29, 2024) (“the court concludes the motion is frivolous. Stafne merely repeats arguments and

authorities that this court and others have rejected numerous times under binding precedent that firmly upholds the constitutionality of senior status.”).

Finally, to the extent Stafne repeats his argument that the district judge did not have authority to issue sanctions because Stafne had sought his recusal, the district court determined there was no conflict of interest.² Denial of the disqualification itself is neither final nor appealable. *Washington*, 573 F.2d at 1122.

The district court did not abuse its discretion in imposing sanctions. We warn Stafne once again that his argument with respect to senior judges is foreclosed by circuit precedent and that continuing to advance this frivolous argument will result in future sanctions.

AFFIRMED.

² The district court found there was no evidence Judge Lasnik’s retirement fund had invested in mortgage-backed securities and regardless, the judge did not participate in the management of the fund. 28 U.S.C. § 455(d)(4)(i) (“Ownership in a mutual or common investment fund that holds securities is not a ‘financial interest’ in such securities unless the judge participates in the management of the fund”).

EXHIBIT 2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 19 2025

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

SCOTT ERIK STAFNE, Counsel for
Plaintiff,

Plaintiff - Appellant,

v.

QUALITY LOAN SERVICE
CORPORATION, of Washington; et al.,

Defendants - Appellees.

No. 23-3509

D.C. No.

2:23-cv-00223-RSL

Western District of Washington,
Seattle

ORDER

Before: HAWKINS, McKEOWN, and WARDLAW, Circuit Judges.

Judge Wardlaw has voted to deny the petition for rehearing en banc, and Judge Hawkins and Judge McKeown so recommend. The full court has been advised of the petition for rehearing en banc, and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 40.

The petition for rehearing en banc is **DENIED**.

EXHIBIT 3

Welcome to OTPLink

Under the Rome Statute of the International Criminal Court, the Office of the Prosecutor (“OTP”) may analyse information on alleged crimes within the jurisdiction of the International Criminal Court (war crimes, crimes against humanity, genocide and aggression), submitted to it from any source. This can occur during preliminary examinations as well as in the context of situations under investigations. The form below can be used to submit such information, also known as “communications,” to the OTP either anonymously or named. I would like to thank you for taking the time to submit information to the Office of the Prosecutor.

Success

1 file uploaded successfully under ref b425423f-ba01-4165-ab3d-75db71353bff

****Important Submission Confirmation Notice****

Please be aware that the download option for your submission confirmation will only be available for a limited time. After submission, you will have a one (1) hour window to download the confirmation. Once this time elapses, the download link will no longer be accessible.

To guarantee that you have a permanent record of your submission, we recommend taking immediate action, such as saving or printing the confirmation details, within the provided timeframe. Failure to do so may result in the loss of your submission information, and we will be unable to retrieve it for you.