

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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DANA ESCOFFIER,

Plaintiff,

v.

WHOLE FOODS MARKET GROUP, INC.,

Respondent.

**APPLICATION FOR EXTENSION OF TIME**

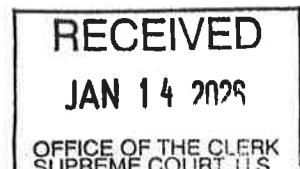
Hon. Sonia Sotomayor:

Plaintiff, Dana Escoffier in the above styled case, respectfully makes an application for an Extension of Time to file a Writ of Certiorari to USCA 2nd Circuit Southern District of New York.

Plaintiff makes this request because the timeline of 90 days to file an appeal has mostly been exhausted. Plaintiff supports the request as follows:

1. Plaintiff moved USCA 2nd Circuit for appointment of counsel.

Motion was denied September 24, 2025;



2. Plaintiff moved USCA 2nd Circuit for Reconsideration, or in the alternative, for Reconsideration *en banc*. Motion was denied November 17, 2025 and Order received by plaintiff November 21, 2025;

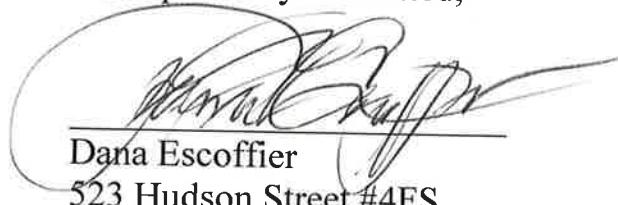
3. Plaintiff telephoned SCOTUS latter November and December, 2025 several times to request application for an appeal, but to no avail. About December 23, 2025, plaintiff telephoned SCOTUS and a live person from SCOTUS Clerk's office advised plaintiff to visit SCOTUS *on-line* and to request application materials for the appeal process;

4. Application papers for appeal were postmarked from SCOTUS Deecember 23, 2025 and received by plaintiff December 27, 2025. The 90 day deadline for filing an appeal from the November 17, 2025 Order of the USCA 2nd Circuit is fastly approaching, and because of time limit looming, plaintiff is respectfully requesting Her Honor for an extension of time to file plaintiff's appeal, which from November 17, 2025 expires about February 15, 2026. This request is pursuant to plaintiff's *pro se* status and wanting to file a properly formatted and comprehensive appeal and to allow 'freed up' (from time consumed) to perfect the appeal.

**WHEREFORE** plaintiff respectfully request the Court grant the relief requested and for any other such relief the Court deems just, proper and equitable.

Dated: January 2, 2026  
New York, New York

Respectfully submitted,



Dana Escoffier  
523 Hudson Street #4FS  
New York, NY 10014  
(212) 675-3836

S.D.N.Y. – N.Y.C.  
22-cv-6588  
Subramanian, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24<sup>th</sup> day of September, two thousand twenty-five.

Present:

Richard C. Wesley,  
Joseph F. Bianco,  
Beth Robinson,  
*Circuit Judges.*

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Dana Escoffier,

*Plaintiff-Appellant,*

v.

24-1790

Whole Foods Market Group, Inc.,

*Defendant-Appellee.*

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Appellant, pro se, moves for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motion is DENIED, and the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17<sup>th</sup> day of November, two thousand twenty-five.

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Dana Escoffier,

Plaintiff - Appellant,

v.

Whole Foods Market Group, Inc.,

**ORDER**

Docket No: 24-1790

Defendant - Appellee.

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Appellant Dana Escoffier filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  
Catherine O'Hagan Wolfe