

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOHN PAUL GOMEZ,

Petitioner,

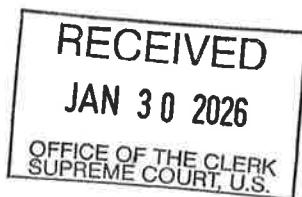
v.

DAVID RYAN, et. al.,

Respondents.

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
(Supreme Court Rule 13.5)

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Pro se



No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOHN PAUL GOMEZ,

Petitioner,

v.

DAVID RYAN, et. al.,

Respondents.

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
(Supreme Court Rule 13.5)**

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States, and Circuit Justice for the Sixth Circuit:

I. Identity of Applicant

Applicant, John Paul Gomez, is the petitioner in the above-captioned case and proceeds pro se.

II. Judgment to Be Reviewed

The judgment sought to be reviewed is the judgment of the United States Court of Appeals for the Sixth Circuit, entered on December 2, 2025, in Case No. 24-3840, affirming the dismissal of applicant's action under 42 U.S.C. § 1983. A copy of the Sixth Circuit's judgment (Doc. 51) is attached as **Exhibit A**.

III. Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 1254(1).

IV. Time for Filing and Extension Requested

Under Supreme Court Rule 13, the deadline to file a petition for a writ of certiorari is March 2, 2026. Applicant respectfully requests an extension of sixty (60) days, to and including

May 1, 2026. This is applicant's first request for an extension.

V. Reasons for Granting the Extension

Good cause exists for the requested extension.

A. Multiple, non-deferrable litigation obligations

Applicant is presently engaged in multiple active proceedings, including:

- A Pennsylvania Superior Court appeal (Case No. 1600 WDA 2025) designated

Children's Fast Track, with a briefing deadline of February 23, 2026; and

- Ongoing federal litigation in the Western District of Pennsylvania (Case No. 2:25-cv-00605-CB), where proceedings remain pending following entry of default against a defendant, and a decision may require reframing questions presented in the certiorari petition.

These matters involve fixed deadlines and active judicial consideration, materially constraining the time available to prepare a petition consistent with this Court's standards.

B. The contemplated petition raises uncommon procedural and institutional questions

The petition will raise interrelated procedural and institutional questions that require careful, precise presentation, including:

- The procedural effect of filings attributed to a judicial officer who passed away prior to the filing date, where the fact of death was acknowledged only after applicant notified the court;
- The absence of clear federal guidance governing the attribution, authority, and procedural consequences of such filings; and
- The interaction between dismissals entered "without prejudice" and the simultaneous imposition of vexatious-litigant filing restrictions, which may foreclose practical avenues to pursue claims expressly left undismissed.

Because these issues implicate institutional procedure, finality, and access to courts—

rather than the merits alone—they warrant deliberate and restrained framing.

C. Related authority and disclosure issues require careful treatment

The petition will also address circumstances in which a judicial officer later acknowledged—outside the underlying proceedings—that he had been asked to assume responsibility for applicant’s case by a judge who previously recused due to an admitted inability to be impartial. This acknowledgment occurred only after relevant rulings had been entered and appealed, and after applicant’s opportunity to raise the issue had passed. Careful presentation is necessary to avoid mischaracterization of the record and to frame the issue at an appropriate institutional level.

D. Pro se status

Applicant proceeds pro se, which further supports the need for additional time to ensure that the petition accurately presents the record and questions for review in a manner consistent with this Court’s expectations.

VI. Conclusion

For the foregoing reasons, applicant respectfully requests that the time to file a petition for a writ of certiorari be extended to May 1, 2026.

Respectfully submitted,


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EXHIBIT A

Sixth Circuit Judgment

Doc. 51

Case No. 24-3840

John Paul Gomez v. David Ryan, et al.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Dec 2, 2025
KELLY L. STEPHENS, Clerk

No. 24-3840

JOHN PAUL GOMEZ,

Plaintiff-Appellant,

v.

DAVID RYAN, et al.,

Defendants-Appellees.

Before: GIBBONS, BUSH, and LARSEN, Circuit Judges.

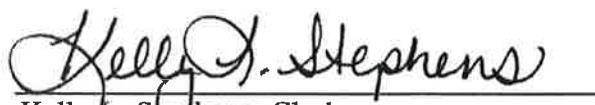
JUDGMENT

On Appeal from the United States District Court
for the Southern District of Ohio at Columbus.

THIS CAUSE was heard on the record from the district court and was submitted on the
briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the order and judgment of the
district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

NOT RECOMMENDED FOR PUBLICATION

No. 24-3840

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Dec 2, 2025

KELLY L. STEPHENS, Clerk

JOHN PAUL GOMEZ,)
v.)
Plaintiff-Appellant,)
DAVID RYAN, et al.,) ON APPEAL FROM THE UNITED
Defendants-Appellees.) STATES DISTRICT COURT FOR
) THE SOUTHERN DISTRICT OF
) OHIO
)
)

O R D E R

Before: GIBBONS, BUSH, and LARSEN, Circuit Judges.

John Paul Gomez, proceeding pro se, appeals the district court's order and judgment dismissing his 42 U.S.C. § 1983 complaint, denying him leave to amend, and deeming him a vexatious litigator. Gomez moves to stay the district court's vexatious litigator determination, to seal certain exhibits, and for a protective order. Gomez also moves to substitute a party for appellee Judge Dan Favreau based on his death, and Favreau's counsel moves to dismiss the claims against Favreau. Counsel for appellees Judge John Nau and Clerk of Court Karen Starr moves to substitute their successors as parties as to the official-capacity claims against them based on their retirements. Appellee Judge David Bennett moves to dismiss the appeal as to him. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See Fed. R. App. P. 34(a)*. For the following reasons, we affirm the district court's order and judgment, deny as moot Gomez's motion for a stay, deny as moot his motions for a protective order, deny Judge Bennett's and Judge Favreau's motions to dismiss, grant the motion to substitute as parties the successors of Judge Nau and Starr, and deny without prejudice Gomez's motion to name a substitute party for Judge Favreau. As to Gomez's motions to seal exhibits, we

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order him to file redacted versions of the exhibits, in compliance with Federal Rule of Civil Procedure 5.2, within fourteen days.

Gomez sued (1) Judges Favreau, Nau, Bennett, and Magistrate Judge Erin Welch (“the judicial officer defendants”), (2) Probation Officer Travis Stevens and Starr (“the court employee defendants”), (3) Patrolman David Ryan, and (4) the Cambridge Police Department, alleging that the defendants violated his rights in various ways, including by interfering with his parental rights. The claims primarily arose from Gomez’s state-court divorce and child custody proceedings and the arrest of his son. The district court granted six of the defendants’ motions to dismiss. The court later granted the remaining defendants’ motions for judgment on the pleadings. In the same order, the court also denied Gomez’s motion seeking leave to amend and deemed him a vexatious litigator, enjoining him from filing new complaints except under certain circumstances.

On appeal, Gomez argues that the district court erred by dismissing his complaint, denying him leave to amend, deeming him a vexatious litigator, and failing to address his state-law claim for intentional infliction of emotional distress.

We review de novo the dismissal of Gomez’s complaint. *See Devereux v. Knox County*, 15 F.4th 388, 392 (6th Cir. 2021) (motion to dismiss); *Reilly v. Vadlamudi*, 680 F.3d 617, 622 (6th Cir. 2012) (motion for judgment on the pleadings). To avoid dismissal, a plaintiff must allege facts that, “accepted as true, . . . state a claim to relief that is plausible on its face.” *Brent v. Wayne Cnty. Dep’t of Hum. Servs.*, 901 F.3d 656, 675–76 (6th Cir. 2018) (citation omitted). We construe the complaint in the light most favorable to Gomez and draw all reasonable inferences in his favor. *Id.* at 676. We also liberally construe his pro se filings and hold him to a less stringent standard. *Id.*

The district court properly dismissed the complaint as to the judicial officer defendants. To the extent that Gomez challenged the various decisions issued by those defendants, his claims are barred by the *Rooker-Feldman* doctrine.¹ *See VanderKodde v. Mary Jane M. Elliott, P.C.*, 951

¹ *See D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fid. Tr. Co.*, 263 U.S. 413 (1923).

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F.3d 397, 402 (6th Cir. 2020) (explaining that the doctrine “bars lower federal courts from conducting appellate review of final state-court judgments,” and that it applies to a case brought by “state-court losers complaining of injuries caused by state-court judgments rendered before” the federal proceedings began and “inviting district court review and rejection of those judgments”); *see also id.* (“If the source of the plaintiff’s injury is the state-court judgment itself, then *Rooker-Feldman* applies.”); *Larry E. Parrish. P.C. v. Bennett*, 989 F.3d 452, 456 (6th Cir. 2021) (noting that “[i]t is not the function of the lower federal courts to correct state court judgments”). In addition, judicial immunity bars Gomez’s claims that the judicial officer defendants violated his rights during his state-court proceedings because he did not allege facts showing that the defendants acted outside their judicial capacity or in the complete absence of jurisdiction. *See Mireles v. Waco*, 502 U.S. 9, 9–13 (1991) (per curiam); *Bright v. Gallia County*, 753 F.3d 639, 649–50 (6th Cir. 2014). And Gomez did not otherwise allege facts stating a viable claim for relief against the judicial officer defendants.

The district court also properly dismissed Gomez’s claims against the court employee defendants that arose before March 24, 2021. Because Gomez filed his initial complaint on March 24, 2023, the district court properly concluded that his claims arising before March 24, 2021, were barred by the applicable two-year statute of limitations. *See Beaver St. Invs. v. Summit County*, 65 F.4th 822, 826 (6th Cir. 2023) (recognizing that the limitations period for a § 1983 claim in Ohio is two years). Two claims remained, one against Stevens and one against Starr. It is unclear from Gomez’s pleadings whether these two remaining claims are against Stevens and Starr in their official or individual capacities. But either way, the claims fail.

To the extent that these claims are against the court employee defendants in their official capacities, the claims fail because the court employee defendants are immune under the Eleventh Amendment. Although the district court correctly concluded that the court employee defendants were immune, it failed to address Gomez’s claims for injunctive relief. The district court concluded that the Eleventh Amendment barred Gomez’s official-capacity claims against the court employee defendants because they were acting as arms of the state. This is true as to Gomez’s

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claims for monetary relief. *See Mumford v. Basinski*, 105 F.3d 264, 269 (6th Cir. 1997) (“[A]n Ohio common pleas court is *not* a segment of county government, but an arm of the state for purposes of [§] 1983 liability and Eleventh Amendment immunity analyses.”); *see also Williams v. Leslie*, 28 F. App’x 387, 389 (6th Cir. 2002) (concluding that court employee defendants “operate under the authority of the common pleas courts” and therefore are “arms of the state of Ohio for purposes of § 1983 liability”).

But the district court failed to address Gomez’s claims for injunctive relief. Under *Ex parte Young*, a plaintiff may “sue officers, irrespective of immunity, to enjoin their future actions on behalf of the state if those actions would violate the federal constitution.” *Universal Life Church Monastery Storehouse v. Nabors*, 35 F.4th 1021, 1040 (6th Cir. 2022) (citing *Ex parte Young*, 209 U.S. 123, 167 (1908)). The court employee defendants were not immune from Gomez’s claims for injunctive relief merely because they acted as arms of the state—as the district court seemingly concluded. Because *Ex parte Young* applies to official actions, and Gomez requested injunctive relief, we must analyze Gomez’s official-capacity claims for injunctive relief under *Ex parte Young*. To bring an *Ex parte Young* suit, a plaintiff must sue for “prospective [injunctive] relief to end a continuing violation of federal law.” *Morgan v. Bd. of Pro. Resp. of the Supreme Ct. of Tenn.*, 63 F.4th 510, 515 (6th Cir. 2023) (alteration in original) (citation omitted); *see also Telespectrum, Inc. v. Pub. Serv. Comm’n of Ky.*, 227 F.3d 414, 419 (6th Cir. 2000); *Idaho v. Coeur d’Alene Tribe of Idaho*, 521 U.S. 261, 281 (1997).

As it turns out, Gomez fails to state an *Ex parte Young* claim against either of the court employee defendants because Gomez does not allege that either court employee committed an *ongoing* violation of federal law. *Morgan*, 63 F.4th at 515 (explaining that *Ex parte Young* does not apply “[i]f the complaint fails to make clear what [the] ongoing violations are” (citation omitted)); *see also S & M Brands, Inc. v. Cooper*, 527 F.3d 500, 510 (6th Cir. 2008) (denying *Ex parte Young* relief where the “constitutional deficiency [at issue was] a one-time, past event”). As to Stevens, Gomez asserts that Stevens mischaracterized an encounter between his son and Patrolman Ryan and a 9-1-1 call during Gomez’s son’s detention hearing, in supposed violation

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of Gomez's parental rights. Assuming this incident occurred, it was a one-time incident. As to Starr, Gomez asserts that Starr engaged in a *continual* pattern of depriving him of his due-process rights. But his own alleged facts do not support this assertion. He cites only one discrete instance of allegedly illegal action: an email chain with Starr beginning on May 3, 2023, in which she was slow to send him a requested document—which he later obtained. Thus, Gomez fails to allege an ongoing violation of federal law against either of the court employee defendants and thus cannot invoke *Ex parte Young* against them.²

Gomez's individual-capacity claims against the court employee defendants also fail because Gomez did not allege facts showing that the defendants directed their actions at Gomez's relationship with his son or otherwise violated his rights. *See Chambers v. Sanders*, 63 F.4th 1092, 1100 (6th Cir. 2023) (concluding that actions that only collaterally affect a family relationship are insufficient to give rise to a substantive due process claim).

The district court properly dismissed Gomez's claims against Ryan and his claims against the Cambridge Police Department, which the district court properly construed as claims against the city of Cambridge. *See Sargent v. City of Toledo Police Dep't*, 150 F. App'x 470, 475 (6th Cir. 2005) (recognizing that police departments are sub-units of the municipalities they serve and not proper § 1983 defendants); *Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994). Although Ryan's actions may have incidentally affected Gomez's relationship with his son, none of the alleged facts suggest that Ryan directed his actions at that relationship. *See Chambers*, 63 F.4th at 1100. And because Ryan committed no constitutional violation, Gomez failed to plead a viable claim against the city of Cambridge. *See Thomas v. City of Columbus*, 854 F.3d 361, 367 (6th Cir. 2017) (recognizing that there can be no municipal liability without an underlying constitutional violation).

² Additionally, Gomez's official-capacity claims for injunctive relief against Starr fail because *Ex parte Young* “does not normally permit federal courts to issue injunctions against state-court judges or clerks.” *Whole Woman’s Health v. Jackson*, 595 U.S. 30, 39 (2021); *see also Williams v. Parikh*, No. 24-3059, 2024 WL 5355086, at *2 (6th Cir. Sept. 4, 2024), *cert. denied*, 221 L. Ed. 2d 972 (May 19, 2025).

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Gomez next argues that the district court erred by denying as futile his motion for leave to file a supplemental complaint, which sought to add as defendants the Guernsey County Sheriff's Office and Guernsey County sheriff deputies Keith Rogers and Curtis Braniger. The proposed amendment alleged that those defendants interfered with Gomez's parental rights by misrepresenting in a police report that his ex-wife was arrested on weapons charges in Athens County, Ohio, rather than Allegheny County, Pennsylvania.

We review de novo the district court's denial of leave to amend based on futility. *Zakora v. Chrisman*, 44 F.4th 452, 465 (6th Cir. 2022). Because Gomez did not allege facts establishing that the proposed defendants directed their actions at his relationship with his son, the proposed amendment failed to state a viable claim for relief, *see Chambers*, 63 F.4th at 1100, and the district court properly denied Gomez's motion.

Gomez next argues that the district court erred by declaring him a vexatious litigator and imposing prefiling restrictions on him. We review the district court's actions for an abuse of discretion. *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269–70 (6th Cir. 1998). Given the frivolous nature of Gomez's claims in this case and the fact that he filed numerous related actions in state court that were dismissed, the district court did not abuse its discretion by requiring him to obtain certification from a licensed attorney or leave of court before filing any further actions. *See id.; Filipas v. Lemons*, 835 F.2d 1145, 1146 (6th Cir. 1987); *see also Amadasu v. Mercy Franciscan Hosp.*, 515 F.3d 528, 531 (6th Cir. 2008) (imposing a prefiling restriction without prior notice).

Gomez next argues that the district court erred by dismissing his complaint without explicitly addressing his state-law claim that the defendants intentionally inflicted emotional distress on him. It is not clear that Gomez properly raised a state-law claim for intentional infliction of emotional distress in his amended complaint; Gomez first appears to raise such a claim in his brief on appeal. In any case, a district court that "has dismissed a plaintiff's federal law claims should not ordinarily reach the plaintiff's state-law claims." *Moon v. Harrison Piping Supply*, 465 F.3d 719, 728 (6th Cir. 2006) (citing *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966)). And district courts, in their discretion, have the authority to "decline to exercise

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supplemental jurisdiction over the state law claims after determining that . . . federal claims lack[] merit.” *Benson v. Osborn*, No. 16-1439, 2018 WL 1628926, at *2 (6th Cir. Mar. 27, 2018).

As for the parties’ motions in this court, Judge Bennett moves to dismiss Gomez’s appeal as to him because (1) the notice of appeal does not list him as an appellee, and (2) the appeal is late because his motion to dismiss was granted on January 31, 2024, but Gomez did not appeal until September 26, 2024. Judge Bennett’s motion is denied. Gomez did not have to name Judge Bennett in the notice of appeal. *See Frieder v. Morehead State Univ.*, 770 F.3d 428, 430 (6th Cir. 2014) (citing Fed. R. App. P. 3). In addition, the district court’s order granting Judge Bennett’s motion to dismiss was not final and appealable because it did not resolve all of Gomez’s claims against all parties. *See In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013). And Gomez timely appealed from the court’s later final judgment, which encompassed all prior rulings and orders. *See Bentkowski v. Scene Mag.*, 637 F.3d 689, 696 (6th Cir. 2011).

Next, Gomez moves to substitute a party for Judge Favreau based on his death, and Judge Favreau’s counsel moves to dismiss the claims against Judge Favreau. We deny the motion to dismiss because a § 1983 claim in Ohio survives the death of the defendant, *see Jackson v. City of Cleveland*, 925 F.3d 793, 811–12 (6th Cir. 2019), and counsel failed to establish that there is no proper substitute party. *Cf.* Fed. R. App. P. 43(c)(2). But, given our affirmance of the district court’s dismissal of the claims against Judge Favreau, we decline to determine a proper substitute party at this time.

Finally, Gomez moves for a protective order and to seal exhibits. Gomez asks this court to grant a protective order to preserve “Exhibit 5 (Flash Drive) in possession of the Guernsey County Clerk of Court, or Defendant-Appellee Judge David Bennett, and to prevent its disposal.” R. 47, Motion, at 1; *see also* R. 45. According to Gomez, on March 26, 2025, he received a Notice of Intent to Dispose, stating that he had sixty days from the date of the notice to retrieve the evidence or it would be destroyed. Because the sixty-day deadline has expired, Gomez’s motions for a protective order should be denied as moot.

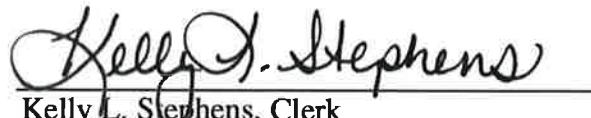
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As to Gomez's motions to seal exhibits attached to his reply brief, we order Gomez to file redacted versions of the exhibits, in compliance with Federal Rule of Civil Procedure 5.2, within fourteen days. According to Federal Rule of Civil Procedure 5.2(a), "in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, [barring exemptions under (b),] a party or nonparty making the filing may include only: (1) the last four digits of the social-security number and taxpayer-identification number; (2) the year of the individual's birth; (3) the minor's initials; and (4) the last four digits of the financial-account number." Because some of the exhibits contain items listed in Rule 5.2(a), Gomez is instructed to redact this information from his exhibits and file redacted versions of the exhibits with the court to be made public.

Accordingly, we **DENY** as moot Gomez's motions for a stay and for a protective order, **DENY** Judge Bennett's and Judge Favreau's motions to dismiss, **GRANT** the motion to substitute Judge Kelly Riddle and Clerk of Court Ashley Reiter for Judge Nau and Starr as to the official-capacity claims against them, **DENY** without prejudice Gomez's motion to substitute a party for Judge Favreau, **ORDER** Gomez to file redacted versions of the exhibits he has attached to his reply brief within fourteen days in compliance with Federal Rule of Civil Procedure 5.2, and **AFFIRM** the district court's judgment dismissing the complaint, denying leave to amend, and deeming Gomez a vexatious litigator.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 12/02/2025.

Case Name: John Gomez v. David Ryan, et al
Case Number: 24-3840

Docket Text:

ORDER filed : We DENY as moot Gomez's motions for a stay and for a protective order, DENY Judge Bennett's and Judge Favreau's motions to dismiss, GRANT the motion to substitute Judge Kelly Riddle and Clerk of Court Ashley Reiter for Judge Nau and Starr as to the official-capacity claims against them, DENY without prejudice Gomez's motion to substitute a party for Judge Favreau, ORDER Gomez to file redacted versions of the exhibits he has attached to his reply brief within fourteen days in compliance with Federal Rule of Civil Procedure 5.2, and AFFIRM the district court's judgment dismissing the complaint, denying leave to amend, and deeming Gomez a vexatious litigator. Pursuant to FRAP 34(a)(2)(C). Mandate to issue. Decision not for publication. Julia Smith Gibbons, Circuit Judge; John K. Bush, Circuit Judge and Joan L. Larsen, Circuit Judge.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Mr. John Paul Gomez
3313 Kathy Drive
Pittsburgh, PA 15204

A copy of this notice will be issued to:

Mr. Gregory A. Beck
Ms. Brittany A. Bowland
Ms. Kristen Lippert
Ms. Sarah Allyn Lodge
Mr. Richard W. Nagel
Ms. Cassaundra L. Sark
Mr. Charles A. Schneider
Mr. Andrew N. Yosowitz

Certificate of Service

I certify that on January 27, 2026, a copy of this Application for Extension of Time was served upon counsel for respondents by email:

- Mr. Gregory A. Beck Baker (beck@bakerfirm.com), Dublikar, Beck, Wiley & Mathews 400 S. Main Street North Canton, OH 44720
- Ms. Sarah Allyn Lodge (slodge@teetorlaw.com), & Mr. Andrew N. Yosowitz Teetor Westfall 200 E. Campus View Boulevard Suite 200 Columbus, OH 43235
- Ms. Cassaundra L. Sark (csark@lambert-law.org), Lambert Law Office P.O. Box 725. Ironton, OH 45638
- Mr. Charles A. Schneider Isaac Wiles (cschneider@isaacwiles.com), Burkholder & Teetor 2 Miranova Place Suite 700 Columbus, OH 43215-5098

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