

Application No. -----

IN THE
SUPREME COURT OF THE UNITED STATES

PEYMAN ROSHAN,

Petitioner,

vs.

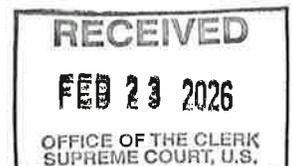
GEORGE S. CARDONA, ET AL.,

Respondent.

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. 25-3983

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

Peyman Roshan, SB#303460
1757 Burgundy Place
Santa Rosa, CA 95403
(415) 305-7847
roshan@pursuelegal.com



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.

Pursuant to this Court's Rules 13.5, 22, and 30.2, Pro Se Petitioner Peyman Roshan (“Roshan”) respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended for **60 days** up to and including May 16, 2026. The Court of Appeals published its order on December 17, 2025, Ninth Circuit Docket Number (“Dkt.”) 26. Absent an extension of time, the Petition for Writ of Certiorari would be due on March 16, 2026 which is more than ten days before this Application is filed. See S.Ct.R. 13.5 and 30.2. This Court has jurisdiction over the judgment under 28 U.S.C. 1254(1).

Overview

This case is one of several between petitioner Roshan and respondent, respondent’s official predecessor, and/or another state respondent, raising similar claims. Other cases raising similar claims between Cyrus Sanai (“Sanai”) and respondent, respondent’s predecessor, and/or the institution of which respondents are/were a part also are pending. All these cases have been dismissed by the application of either *Younger* abstention or the *Rooker-Feldman* doctrine. “After

state proceedings commence, *Younger* abstention prohibits federal court intervention for the duration of the proceedings. After state proceedings have concluded, the *Rooker-Feldman* doctrine would likely bar federal courts from reviewing the state court decision with narrow exceptions.” *Seattle Pacific University v. Ferguson*, 104 F.4th 50, 64 (9th Cir. 2024).

This case was filed in 2020, and, *inter alia*, raises 42 U.S.C. §1983 challenges to the facial constitutional inadequacies of the California State Bar’s attorney disciplinary rules and practices; it was dismissed on *Younger* abstention grounds. On January 19, 2021, judgment was entered. In 2025, this Court decided *Williams v. Reed*, 145 S.Ct. 465 (2025)(“*Williams*”). On April 4, 2025, Plaintiff filed a motion for relief from order or judgment pursuant to Rule 60(b)(6) based on two cases as intervening changes in the law: (1) *Williams*, which, without citation, applies the holding of *Jamgotchian v. Ferraro*, 93 F.4th 1150 (9th Cir. 2024) to state courts; *Williams* is a dramatic intervening change in the law governing federal constitutional claims under 42 U.S.C. §1983; and (2) *Seattle Pacific University v. Ferguson*, 104 F.4th 50 (2024)(“*SPU*”); and that these cases merit relief under *Henson v. Fidelity Nat’l Fin., Inc.*, 943 F.3d 434 (9th Cir. 2019) and *Phelps v. Alameida*, 569 F.3d 1120 (9th Cir. 2009). On December 15, 2025, the panel granted summary disposition without addressing *Williams* or *Seattle Pacific* (but by citing *Roshan v. McCauley*, 130 F.4th 780 (9th Cir. 2025)).

The following currently pending cases brought by Roshan and/or Sanai demonstrate the Ninth Circuit often ignores this Court's authority as well as the bright line rule regarding the timing for the application of *Younger* abstention:

(1) In *Roshan v. McCauley*, U.S. Sup. Ct. Dkt. No. 25-683, Roshan challenges California's judicial exhaustion rules as a violation of the Supremacy Clause under *Williams*, asserting this violation invalidates the challenged California Department of Real Estate ("DRE") reciprocal disciplinary proceedings exclusively based on the California State Bar disciplinary proceedings, and renders *Younger* abstention inapplicable. He also presents the question of whether attorney discipline proceedings under the Seventh Amendment require trial by jury. These questions have been distributed for conference on February 20, 2026.

(2) In *Sanai v. Kruger, et al.*, 9th Cir. No. 25-2937, Sanai similarly challenges, inter alia, the validity of California State Bar Act's attorney discipline proceeding provisions under *Williams* because California law eliminates the jurisdiction of California state courts to consider 42 U.S.C. §1983 lawsuits challenging State Bar disciplinary proceedings on the same basis as they are regularly heard in California Superior Courts and

Courts of Appeal; and questions whether such invalidity renders *Younger* abstention inapplicable. As this was a default proceeding, the opening brief was filed on August 20, 2025; and Sanai filed a motion to file replacement opening brief on October 22, 2025 and a notice of delay on October 30, 2025. Though briefing is complete, the Ninth Circuit refuses to resolve the appeal or set it for oral argument.

(3) In *Sanai v. Cardona, et al.*, 9th Cir. No. 24-6708, Sanai similarly challenges the dismissal based on *Younger* abstention of his complaint challenging the California disciplinary system on facial constitutional grounds, as well as the district court's holding that *Williams* is inapplicable to Sanai's complaint.

(4) In *Sanai v. Kruger, et al.*, N.D. Cal. Case No. 3:25-cv-02607-AMO, Sanai challenges Magistrate Judge Tse's erroneous determination that, even though defendants California Supreme Court judges defaulted, the long-final state disciplinary case was "ongoing" for *Younger* abstention purposes, and, by virtue, his dismissal of Sanai's challenge to the California State Bar proceedings which challenged is based, inter alia, on facial unconstitutionality and Supremacy Clause violations under *Williams*. On January 29, 2026, Sanai filed an *ex parte* request for entry of preliminary relief by February 5, 2025 of either a preliminary

declaratory judgment against all defaulting defendants due to their Supremacy Clause violation under *Williams*, or a preliminary injunction against defendants to vacate their orders of discipline against Sanai.

The following cases brought by, appeared as amicus curae in, or sought to intervene in, by Roshan or Sanai demonstrate the Ninth Circuit often ignores its own and this Court's authority and the limits imposed on the application the *Rooker-Feldman* doctrine:

- (1) In *Roshan v. Lawrence, 'et al.*, 9th Cir. No. 24-7429, Roshan challenges the dismissal of his complaint alleging the facial unconstitutionality of the California State Bar disciplinary system based on the *Rooker-Feldman* doctrine without applying the Ninth Circuit's own two-step test from *Noel v. Hall*, 341 F.3d 1148 (9th Cir. 2003), nor recognizing this Court's decision in *Reed v. Goertz*, 143 S. Ct. 955 (2023) ("*Goertz*") which confirms 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. On June 2, 2025 Roshan was notified the case is being considered for oral argument for October or November 2025; however, to date, no further activity has occurred.

(2) In *Roshan v. Sunquist, et al.*, 9th Cir. No. 23-3157, Roshan challenges the dismissal of his complaint alleging the facial unconstitutionality of the California Department of Real Estate disciplinary system (which based its exclusive reciprocal discipline on the unconstitutional California State Bar disciplinary system). The grounds for dismissal was the *Rooker-Feldman* doctrine without applying the Ninth Circuit's own two-step test from *Noel v. Hall*, 341 F.3d 1148 (9th Cir. 2003), nor recognizing this Court's decision in *Reed v. Goertz*, 143 S. Ct. 955 (2023) which confirms 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. Roshan's reply brief is due February 13, 2026.

(3) In *Roshan v. Searle, et al.*, U.S. Sup. Ct. Dkt. No. 25A574, Roshan appeals the denial of his request to intervene to challenge the Ninth Circuit's application of the *Rooker-Feldman* doctrine. Searle challenged the state foreclosure sale of her home in federal court. Searle responded to defendants' district court *Rooker-Feldman* argument, inter alia, by citing this Court's holding in *Skinner v. Switzer*, 562 U.S. 521, 532 (2011) that, under *Rooker-Feldman*, "a state-court decision is not reviewable by lower federal courts, but a statute or rule governing the

decision may be challenged in a federal action," *id.*, and arguing that such challenges are not the type of "appellate review" of state court judgments to which the *Rooker-Feldman* applies. Searle also argued that *Rooker-Feldman* does not apply merely because the state court interpreted the statute challenged in the federal action (citing *Skinner* holding that "Skinner does not challenge the adverse CCA decision themselves, instead, he targets as unconstitutional the Texas statute they authoritatively construed," *id.*). On appeal, Searle cited *Goertz*'s rejection to apply the *Rooker-Feldman* doctrine when the plaintiff does "not challenge the adverse state-court decisions themselves, but rather targets as unconstitutional the Texas statute they authoritatively construed." *Goertz* at 235. The Ninth Circuit, however, affirmed the district court's dismissal in part relevant to Petitioner Roshan's motion to intervene, by erroneously concluding that Searle's attacks on the foreclosure sale alleging that it violated the United States and Arizona Constitutions because it was a taking without a legitimate public purpose or constituted an excessive fine—were barred under *Rooker-Feldman* for being direct attacks on the state judgment. On January 15, 2026, Roshan submitted his petition for a writ of certiorari appealing the Ninth Circuit's denial of his

motion to intervene on this *Rooker-Feldman* issue. To date, this Court has yet to docket Roshan's submission.

(4) In *T. M. v. Univ. of Md. Med. Sys. Corp., et al.*, U.S. Sup. Ct. Dkt. No. 25-197, Sanai filed an amicus challenging the Fourth Circuit's application of the *Rooker-Feldman* doctrine. T.M. appeals the *Rooker-Feldman* dismissal of her federal challenge to states decision to involuntarily medical confinement and treatment. Sanai cites to his pending lawsuits, like those of Roshan's, challenging California administrative proceedings as, inter alia, facially unconstitutional and in violation of the Supremacy Clause, and point this Court to the fact that though the case challenges the circuit conflict in the application the *Rooker-Feldman* doctrine, neither petitioner nor respondent in T.M. mention that Ninth Circuit often ignores its own and this Court's authority and the limits imposed on the application the *Rooker-Feldman* doctrine. Sanai presents two solutions: abolish the *Rooker-Feldman* doctrine, or formulate a comprehensive *Rooker-Feldman* test. This Court granted T.M.'s petition on December 5, 2025 and set the case for oral argument on April 20, 2026.

(5) In *Pung v. Isabella County*, U.S. Sup. Ct. Dkt. No. 25-95, Roshan and Sanai filed amicus on the issue of the applicability of the *Rooker-*

Feldman doctrine. Pung brought a federal court challenge to the County's foreclosure of his property for a few thousand dollars in delinquent tax payments, which foreclosure sale amount was for a fraction of the property's value; and all the proceeds of which were kept by the County. The Sixth Circuit affirmed Pung was entitled only to the surplus, and not to the difference between the sale amount and the market value. While Pung addressed the *Rooker-Feldman* doctrine in his complaint, the issue was never raised by the County, presumably because under *Goertz* and the *Rooker-Feldman* doctrine does not apply. Because the *Rooker-Feldman* doctrine is jurisdictional, this Court is required to address it even if the parties do not raise it. The amicus points this Court to the factual overlap between *Pung* and *Searle*, and shows that under Ninth Circuit's *Rooker-Feldman* approach in *Searle*, this Court would have to find it lacks jurisdiction under *Rooker-Feldman* to decide *Pung*; but that because the Ninth Circuit's application of the *Rooker-Feldman* doctrine in *Searle* is wrong under its own and this Court's authority, this Court should adopt a comprehensive test for the proper application of *Rooker-Feldman*. On October 3, 2025 Pung's petition was granted, Roshan's and Sanai's amicus was filed on December 8, 2025, and the case was circulated on January 21, 2026.

Reasons Justifying An Extension

1. Roshan requests the extension to allow time for the Ninth Circuit to address petitioner's pending cases and for oral argument to have occurred in *Pung, supra*, and *T.M. supra*, and Roshan's petition in *Searle, supra* to have been considered by this Court. *Pung* is set for argument later this month, and *T.M.* is set for argument on April 20, 2026. Accordingly, an extension will allow this Court to consider this petition in the context of petitions demonstrating the Ninth Circuit's consistent refusal to correctly apply doctrines which concern jurisdiction and abstention therefrom.
2. Respondents will not be prejudiced as, in any event, Roshan's Petition will be addressed by this Court.

Conclusion

Roshan respectfully requests the time to file a writ of certiorari in the above captioned matter be extended 60 days to and including May 16, 2025.

Dated this 11th day of February, 2026.

Respectfully submitted:



Peyman Roshan
In Pro Per

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 17 2025

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

PEYMAN ROSHAN, an individual on
behalf of himself and others similarly
situated,

Plaintiff - Appellant,

v.

GEORGE S. CARDONA, in his official
capacity as Chief Trial Counsel; et al.,

Defendants - Appellees.

No. 25-3983

D.C. No.

3:20-cv-04770-AGT

Northern District of California,
San Francisco

ORDER

Before: CLIFTON, HURWITZ, and BRESS, Circuit Judges.

The motion (Docket Entry No. 9) for summary disposition is granted. *See* 9th Cir. R. 3-6(a) (standard for summary disposition); *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982); *see also Roshan v. McCauley*, 130 F.4th 780 (9th Cir. 2025).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

AFFIRMED.