IN THE SUPREME COURT OF THE UNITED STATES

No. _____

CYRUS MARK SANAI, Plaintiff-Appellant,

v.

LEONDRA KRUGER, Judge; JOSHUA P. GROBAN; MARTIN J. JENKINS; KELLI M. EVANS; CAROL A. CORRIGAN; GOODWIN H. LIU; PATRICIA GUERRERO, Defendants-Appellees.
No. 25-2937

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO COURT OF APPEALS FOR THE NINTH CIRCUIT

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To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States, as Circuit Justice for matters arising within territory of the United States Court of Appeals for the Ninth Circuit:

Applicant Cyrus Sanai respectfully requests an extension of 60 days from September 15, 2026 to and including November 14, 2026 within which to file a petition for a writ of certiorari to review *Sanai v. Kruger,* specifically

the judgment of the Ninth Circuit Court of Appeals dated May 8, 2026, as to which a timely motion for rehearing and rehearing en banc was denied on June 17, 2026. *See* App. A-B, 1-5. The due date for a petition for a writ of certiorari is 90 days after the date of the order denying the petition for rehearing, which was June 17, 2026.

This application should be filed more than 10 days prior to the due date. It is being dis\patched by mail more than 30 days before the due date of the petition for certiorari.

The case involved challenges to then-ongoing attorney discipline matters in California which was dismissed pursuant to *Younger* abstention.

A prior decision of the Ninth Circuit addressed a preliminary injunction appeal and this Court denied certiorari petition from that decision on January 27, 2025, Docket No. 24-588.

Over the following year this Court issued two decisions which if properly applied to *Sanai v. Cardona* should have resulted in the Ninth Circuit readdressing the decision and holding that *Younger* abstention does not apply: *Williams v. Reed,* 604 U.S. 168 (2025), and *Galette v. New Jersey Transit Corp.,* 146 S. Ct. 854 (2026). Though the issues were briefed to the Ninth Circuit by submission of amended briefing, the panel in this case refused to address the amended briefing. A petition for rehearing raising this new case law was denied on June 22, 2026.

The Ninth Circuit refused to address whether the opinions of this Court, when integrated into existing Ninth Circuit authority, requires the Ninth Circuit to re-examine its decision applying *Younger* abstention. Tw weeks ago, however, Circuit Judge VanDyke issued a concurrence that explains that the Ninth Circuit's standard for addressing the implications of this Court's decisions to prior Ninth Circuit binding case law is seriously defective and in conflict with the case law of other Circuits. See *Arizona Alliance for Retired Americans, et. al. v. Mayes, et. al.* Docket No. 22-16490 (en banc)(9th Cir. Aug. 7, 2026)(VanDyke, J, concur.)(slip. op. at 57-64).

Circuit Judge VanDyke's concurrence shows that there is substantial circuit split on the standard for reconsidering existing circuit precedent that this Court's decisions have undermined. This is an issue meriting review by this Court as it substantially detracts from this Court's authority under the principles of vertical stares decisis.

To ensure that this issue can be properly raised before this Court, Sanai requests an extension of 60 days so that he can request recall of the mandate and another opportunity to file a petition for rehearing and rehearing en banc with the Ninth Circuit. This will ensure that there is no issue of failing to timely raise the issue before the Ninth Circuit. In addition, Sanai will be discussing the involvement of potential amicus and needs more time to lock in their interest if possible. No one will be prejudiced by the delay and indeed this motion is unopposed because the Defendants did not

appear in this lawsuit. For the same reason this application has not been served on opposing counsel, as there is no such counsel.

The undersigned, Cyrus Sanai, declares under penalty of perjury under the laws of the United States that the statements of fact in the foregoing are true and correct statements. Executed on this Seventeenth Day of August, 2026 in Santa Monica, CA.

Respectfully submitted,

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APPENDIX

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Appendix A—Decision For Which Review Will Be Requested

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
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Appendix B— Decision For Which Review Will Be Requested

ORDER OF JUNE 17, 2026 DENYING PETITION FOR REHEARING AND REHEARING EN BANC — Page 5

NOT FOR PUBLICATION

FILED

MAY 8 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CYRUS MARK SANAI, Solicitor, Plaintiff - Appellant, v. Judge LEONDRA KRUGER; JOSHUA P. GROBAN; MARTIN J. JENKINS; KELLI EVANS; CAROL CORRIGAN; GOODWIN LIU; Honorable PATRICIA GUERRERO, Chief Justice, Defendants - Appellees.	No. 25-2937 D.C. No. 3:23-cv-01057-AMO MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Araceli Martinez-Olguin, District Judge, Presiding

Submitted April 30, 2026**

Before: N.R. SMITH, BUMATAY, and H.A. THOMAS, Circuit Judges.

Cyrus Mark Sanai, a California attorney subject to California State Bar disciplinary proceedings, filed a pro se action under 42 U.S.C. § 1983 against the

* 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).

Justices of the California Supreme Court, alleging that the Bar disciplinary process is constitutionally defective. We previously affirmed the district court's dismissal of Sanai's claims on the basis of abstention under *Younger v. Harris*, 401 U.S. 37 (1971), and its denial of Sanai's post-judgment motions under Rules 59 and 60(b) of the Federal Rules of Civil Procedure. *See Roshan v. Lawrence*, No. 21-15771, 2024 WL 339100 (9th Cir. Jan. 30, 2024), *cert. denied*, 145 S. Ct. 1139 (2025), *and cert. denied sub nom.*, *Sanai v. Lawrence*, 145 S. Ct. 1140 (2025).

Sanai now appeals the district court's denial of his motion for relief from judgment pursuant to Rule 60(b)(6).[1] In his motion, Sanai argued that the Supreme Court's recent opinion in *Williams v. Reed*, 604 U.S. 168 (2025), presented an intervening change in the law that warrants vacatur of the judgment. We have jurisdiction under 28 U.S.C. § 1291. We review a district court's denial of a motion for relief from judgment under Rule 60(b) for abuse of discretion. *Flores v. Rosen*, 984 F.3d 720, 731 (9th Cir. 2020). We affirm.

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[1] We consider only Sanai's initial opening brief (Dkt. No. 13). *See* 9th Cir. R. 32-1(a). In doing so, we decline to revisit Sanai's arguments in support of default judgment, equitable relief, and reassignment, which we previously rejected in connection with Sanai's first appeal. *See Roshan*, 2024 WL 339100, at *2 (finding Sanai's other assignments of error were without merit); *Hall v. City of Los Angeles*, 697 F.3d 1059, 1067 (9th Cir. 2012) (explaining that the law of the case doctrine "generally pre[c]ludes a court from reconsidering an issue decided previously by the same court or by a higher court in the identical case"). Sanai's motions to file oversized replacement briefs (Dkt. Nos. 14, 21, 24) are denied. *See* 9th Cir. R. 32-2.

Contrary to Sanai's argument on appeal, the district court did not abuse its discretion by failing to analyze Sanai's motion under the six factors outlined in *Henson v. Fidelity National Financial, Inc.*, 943 F.3d 434 (9th Cir. 2019). Although the district court did not explicitly name any of the six *Henson* factors in its decision, it engaged in the relevant equitable analysis. *See Henson*, 943 F.3d at 444 (providing that the factors are "well-reasoned principles that should guide courts in exercising their discretion," not "a rigid or exhaustive checklist" (citation omitted)); *Lemoge v. United States*, 587 F.3d 1188, 1193 (9th Cir. 2009) (explaining that in the Rule 60(b)(1) context, the mere failure to cite the equitable test ordinarily does not require reversal as long as the court actually engaged in the analysis required).

Given that the first and fifth *Henson* factors decidedly supported the district court's conclusion that "nothing in Sanai's motion . . . merits relief from judgment," the remaining factors were not salient to the Rule 60(b)(6) equitable balancing under the circumstances. *See Henson*, 943 F.3d at 446–53 (outlining the factors). Thus, it was not an abuse of discretion for the district court to omit discussion of those factors or other equitable considerations. *See Lemoge*, 587 F.3d at 1196 (recognizing that "[b]ecause the standard under Rule 60(b) is an equitable standard, it may follow that in some circumstances a district court may satisfy the standard even though omitting to discuss some specified factor" (citation omitted)).

AFFIRMED.[2]

[2] Sanai's emergency motions for an injunction or stay pending appeal (Dkt. Nos. 6, 7, 28, 29), motion to expedite the appeal (Dkt. No. 18), and motions for an initial hearing en banc (Dkt. Nos. 5, 26, 27) are denied.

FILED

JUN 17 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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D.C. No.
3:23-cv-01057-AMO
Northern District of California,
San Francisco

ORDER

Before: N.R. SMITH, BUMATAY, and H.A. THOMAS, Circuit Judges.

The panel has unanimously voted to deny the petition for panel rehearing. Judge Bumatay and Judge H.A. Thomas have voted to deny the petition for rehearing en banc, and Judge N.R. Smith so recommends. The full court has been advised of the petition for rehearing en banc, and no judge of the court has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 40. The petition for panel rehearing and the petition for rehearing en banc, Dkt. No. 34, are **DENIED**. No further filings will be entertained.