

IN THE SUPREME COURT OF THE UNITED STATES

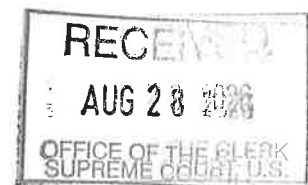
No. _____

CYRUS MARK SANAI, Plaintiff-Appellant,
v.
GEORGE CARDONA; LEAH WILSON, Defendants-Appellees.
No. 24-6708

**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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No. _____

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APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
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 request an extension of 60 days from September 20, 2026 (not accounting for weekend extension) to and including November 19, 2026 within which to file a petition for a writ of

certiorari to review *Sanai v. Cardona* the judgment of the Ninth Circuit Court of Appeals dated May 5, 2026, as to which a timely motion for rehearing and rehearing en banc was denied on June 22, 2026. See App. A-B, 1-9. 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 22, 2026. Jurisdiction for a petition for certiorari in this matter arises under 28 U.S.C. §1254.

This application should be filed more than 10 days prior to the due date. It is being mailed more than 30 days before the due date.

The case involved a challenge to then-ongoing attorney discipline matters in California 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).

The Ninth Circuit refused to address whether these decisions, when integrated into existing Ninth Circuit authority, requires the Ninth Circuit to re-examine the decision. Last week, however, Circuit Judge VanDyke issued

a concurrence that explains that the Ninth Circuit's standard for addressing the implications of this Court's decisions in other cases 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 stare 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.

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
TABLE OF CONTENTS

Appendix A—Decision For Which Review Will Be Requested

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CASE NOS. 24-6708	Pages 1-4
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JUDGMENT OF MAY 5, 2026

Appendix B— Decision For Which Review Will Be Requested

ORDER OF JUNE 22, 2026 DENYING PETITION FOR REHEARING AND REHEARING EN BANC	Page 5
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NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 5 2026

FOR THE NINTH CIRCUIT

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

CYRUS MARK SANAI, Solicitor,

Plaintiff - Appellant,

v.

GEORGE S. CARDONA; LEAH WILSON,

Defendants - Appellees.

No. 24-6708

D.C. No.

4:22-cv-01818-JST

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted April 30, 2026**

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

Cyrus Mark Sanai appeals the district court's: (1) dismissal of his second amended complaint without leave to amend on the basis that *Younger v. Harris*, 401 U.S. 37 (1971), abstention applies under the law of the case doctrine; (2) denial of his motion for a preliminary injunction; (3) denial of his motions under

* 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).

Federal Rules of Civil Procedure (“Rules”) 59(e) and 60(b); (4) denial of his motions for an indicative ruling under Rule 62.1; and (5) order relating this matter with *Roshan v. Lawrence*, Case No. 4:21-cv-01235-JST. We have jurisdiction under 28 U.S.C. § 1291. We review the district court’s application of the law of the case doctrine for abuse of discretion. *See Hall v. City of Los Angeles*, 697 F.3d 1059, 1067 (9th Cir. 2012). We review Sanai’s remaining claims for abuse of discretion. *See Curry v. Yelp Inc.*, 875 F.3d 1219, 1224 (9th Cir. 2017) (leave to amend a complaint standard of review); *Walczak v. EPL Prolong, Inc.*, 198 F.3d 725, 730 (9th Cir. 1999) (preliminary injunction standard of review); *Kaufmann v. Kijakazi*, 32 F.4th 843, 847 (9th Cir. 2022) (Rule 59 motion standard of review); *Flores v. Rosen*, 984 F.3d 720, 731 (9th Cir. 2020) (Rule 60(b) standard of review); *Mireskandari v. Mayne*, 800 F. App’x 519, 519 (9th Cir. 2020) (indicative ruling standard of review); *Jacobson v. Hughes Aircraft Co.*, 105 F.3d 1288, 1302 (9th Cir. 1997), *rev’d on other grounds*, 525 U.S. 432 (1999) (relating cases standard of review). We affirm.

1. In Sanai’s first appeal, we determined that *Younger* abstention applied in this matter. *See Roshan v. Lawrence*, No. 21-15771, 2024 WL 339100, at *1–2 (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 does not challenge the district court’s application of the law of the case doctrine to determine that

Younger also bars his second amended complaint. Instead, he raises the same arguments he raised in his first appeal.¹ But we may not reexamine the arguments that we have already heard and decided. *See Hall*, 697 F.3d at 1067 (explaining that the law of the case doctrine “generally pre[c]ludes [us] from reconsidering an issue decided previously by the same court or by a higher court in the identical case”). And, contrary to Sanai’s argument on appeal, *Williams v. Reed*, 604 U.S. 168 (2025), and *Galette v. New Jersey Transit Corp.*, 146 S. Ct. 854 (2026), do not constitute intervening changes in law that warrant us revisiting our previous holding. *Williams* involved exhaustion, not abstention. *See Williams*, 604 U.S. at 173–79. And *Galette* involved sovereign immunity, not abstention. *See generally Galette*, 146 S. Ct. 854.

2. Because *Williams* does not apply to this matter, the district court did not abuse its discretion in denying Sanai’s motion for an indicative ruling on the grounds that *Williams* presented an intervening change in law.²

¹ At the district court, Sanai generally agreed that the law of the case doctrine applied to the Defendants’ motion to dismiss. Relying on *Jamgotchian v. Ferraro*, 93 F.4th 1150 (9th Cir. 2024), however, he argued that *Younger* abstention violates the First and Fifth Amendments. The district rejected this argument. Sanai abandoned this argument on appeal.

² Sanai has abandoned on appeal the arguments raised in his first motion for an indicative ruling.

3. Sanai's challenge to the district court's denial of leave to amend, preliminary injunctive relief, and Rule 59(e) and 60(b) motions fail. Here again, Sanai renews his argument that the district court relied on the "faulty legal conclusion that *Younger* abstention applied," in denying his motions, an argument that we reject as the district court properly applied the law of the case.

4. Sanai argues that the district court committed legal error in relating this matter to *Roshan v. Lawrence*, Case No. 4:21-cv-01235-JST. We determined that this argument lacked merit in Sanai's first appeal. *See Roshan*, 2024 WL 339100, at *2. We therefore do not reconsider it. *See Hall*, 697 F.3d at 1067.

AFFIRMED.³

³ Sanai's motion for leave to file a petition for an initial hearing en banc (Dkt. No. 48), petition for initial en banc hearing (Dkt. No. 49), motion for injunctive relief (Dkt. No. 50), and motion to file corrected reply brief (Dkt. No. 53) are denied.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 22 2026

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

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v.

GEORGE S. CARDONA and LEAH
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Defendants - Appellees.

No. 24-6708

D.C. No.

4:22-cv-01818-JST

Northern District of California,
Oakland

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. 62, are **DENIED**.

Application No. -----

IN THE SUPREME COURT OF THE UNITED STATES

CYRUS MARK SANAI

Petitioner,

vs.

GEORGE CARDONA; LEAH WILSON, et al.

Respondents.

CERTIFICATE OF SERVICE

I, Cyrus Sanai, hereby certify that on this August 17, 2026, I caused a copy of the 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 in this case to be served by United States Postal service to opposing counsel Carissa Noelle Andresen, at The State Bar of California, 180 Howard Street, San Francisco, CA 94105-1617.

I further certify that all parties required to be served have been served.



Cyrus Sanai