

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JAMES E. SEITZ

Petitioner,

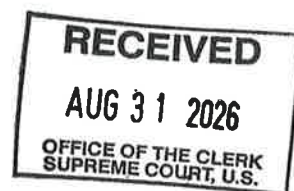
v.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS; et al.,

Respondent.

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

James E. Seitz,
Pro Se Petitioner
474 East Cedarwood Court
Mooresville IN 46158
650-787-1110
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To the Honorable Justice John G. Roberts, Jr., Chief Justice of the United States Supreme Court, and Circuit Justice for the Ninth Circuit.

Petitioner James E. Seitz, proceeding pro se, respectfully requests an extension of 60 days, to and including November 14, 2026, in which to file a petition for a writ of certiorari seeking review of the order entered by the United States Court of Appeals for the Ninth Circuit on June 17, 2026.

Seitz v International Brotherhood of Teamsters et al., case No. 3:23-cv-01716-LB was filed in the Northern District of California, San Francisco on April 10, 2023, the case was dismissed on September 3, 2024, and then appealed to the Ninth Circuit Court of Appeals on October 3, 2024, case No. 24-6030. The Ninth Circuit Court of Appeals denied the appeal on February 20, 2026. Petitioner then requested a panel rehearing and En Banc rehearing which were denied on June 17, 2026.

This application is made pursuant to Supreme Court Rule 13.5.

1. The memorandum that Petitioner seeks to review was entered by the United States Court of Appeals for the Ninth Circuit on February 20, 2026. The Ninth Circuit Court of Appeals denied a timely petition for rehearing on June 17, 2026.
2. Under Supreme Court Rule 13, the current deadline for filing the petition for a writ of certiorari is September 15, 2026.
3. Petitioner respectfully requests that the filing deadline be extended to November 14, 2026.

4. Good cause exists for the requested extension. My father died on August 12, 2026. The death of my father has placed substantial personal and legal estate related responsibilities and duties on me at an already difficult time. In addition to grieving his loss, I am serving as the executor of his estate and am responsible for overseeing the legal, financial, and practical matters that necessarily arise following such a loss/death. These responsibilities have required a significant amount of my time and attentions and have materially limited the time I have available to prepare my petition so that I may properly fulfill my responsibilities as executor while also giving this Court the careful and complete filing that this matter deserves. I make this request in good faith and not for the purpose of delay and I respectfully ask the Court for the additional time in light these extraordinary circumstances.
5. Petitioner is proceeding without counsel and is solely responsible for preparing the petition and complying with this Court's filing requirements. Given the circumstances described above, Petitioner respectfully submits that additional time is necessary to prepare the petition adequately and to ensure that it complies with the Court's Rules.
6. Petitioner therefore respectfully requests an extension of 60 days, through and including November 14, 2026, to file the petition for a writ of certiorari.
7. This application is being filed more than 10 days before the current filing deadline, as required by Supreme Court Rule 30.2.
8. Petitioner has served a copy of this application on counsel for Respondent, Susan K. Garea, as required by the Court's Rules.

WHEREFORE, Petitioner respectfully requests that the Court grant this application and extend the time for filing the petition for a writ of certiorari through and including November 14, 2026.

Dated: 8/25/2026

Respectfully submitted,

Signed: /s/ James E. Seitz
James E. Seitz

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NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 20 2026

FOR THE NINTH CIRCUIT

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

JAMES EDWARD SEITZ,

Plaintiff - Appellant,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; CLACY GRISWOLD;
BOBBY FISHER; VINNIE GRAZIANO;
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS - LOCAL 986,

Defendants - Appellees.

No. 24-6030

D.C. No. 3:23-cv-01716-LB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Laurel D. Beeler, Magistrate Judge, Presiding**

Submitted February 18, 2026***

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The parties consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

*** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Seitz's request for oral argument, set forth in the opening brief, is denied.

James Edward Seitz appeals pro se from the district court's judgment dismissing his action alleging various federal claims against his union and its officers. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Saloojas, Inc. v. Aetna Health of Calif., Inc.*, 80 F.4th 1011, 1014 (9th Cir. 2023). We affirm.

The district court properly dismissed Seitz's Title VII claims because Seitz failed to allege facts sufficient to show that any defendant discriminated on the basis of religion or acquiesced in any discrimination by Seitz's employer. *See Garity v. APWU Nat'l Lab. Org.*, 828 F.3d 848, 861 (9th Cir. 2016) ("[T]he key inquiry in a Title VII case against a union is whether the union 'deliberately declines to pursue a member's claim because of' a protected classification." (quoting *Beck v. United Food & Com. Workers Union, Loc. 99*, 506 F.3d 874, 882 (9th Cir. 2007))).

The district court properly dismissed the Railway Labor Act ("RLA") and civil Racketeer Influenced and Corrupt Organizations Act ("RICO") claims because Seitz failed to raise those claims within the applicable statutes of limitations. *See Herrera v. Command Sec. Corp.*, 837 F.3d 979, 985 (9th Cir. 2016) ("Claims under the RLA must be brought within six months after their accrual date."); *Stitt v. Williams*, 919 F.2d 516, 525 (9th Cir. 1990) (explaining that

civil RICO claims have a four-year statute of limitations that “begins to run when a plaintiff knows or should know of the injury which is the basis for the action”).

The district court did not abuse its discretion in denying further leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (setting forth standard of review and explaining that leave to amend may be denied when amendment would be futile); *Metzler Inv. GMBH v. Corinthian Colls., Inc.*, 540 F.3d 1049, 1072 (9th Cir. 2008) (explaining that “the district court’s discretion to deny leave to amend is particularly broad where plaintiff has previously amended the complaint” (citation omitted)).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

Seitz’s motion (Docket Entry No. 16) for remand is denied.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 17 2026

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

JAMES EDWARD SEITZ,

Plaintiff - Appellant,

v.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS; et al.,

Defendants - Appellees.

No. 24-6030

D.C. No. 3:23-cv-01716-LB
Northern District of California,
San Francisco

ORDER

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 40.

The petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 20) are denied.

This court will not entertain further filings in this closed case.

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2026, I served a copy of the foregoing Application to Extend the Time to File a Petition for a Writ of Certiorari by overnight mail upon:

International Brotherhood of Teamsters et al., represented by
Attorney Susan K. Garea
BEESON, TAYER & BODINE, APC
492 Ninth Street Suite 350
Oakland CA 94607-3865

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of August 2026.

Signed: /s/ James E. Seitz
 James E. Seitz

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