

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Julio Mayen,
Applicant,

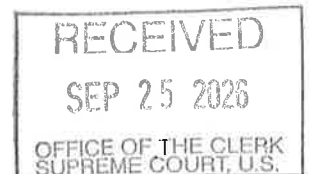
v.

COUNTRYWIDE HOME LOANS, INC., ET AL.,
Respondents.

ON APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

**APPLICATION TO THE HONORABLE ELENA KAGAN, ASSOCIATE
JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE NINTH CIRCUIT, TO EXTEND THE TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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

*To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Ninth Circuit:*

Under Rules 13.5, 22, and 30 of the Rules of this Court, applicant Julio Mayen, who is self represented proceeding sui juris, respectfully requests a 59-day extension of time, to and including December 11, 2026, within which to file a petition for a writ of certiorari. This application is made on behalf of applicant only.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment is the unpublished memorandum disposition of the United States Court of Appeals for the Ninth Circuit in *Mayen v. Countrywide Home Loans, Inc.*, No. 24-6421, entered June 4, 2026 (App. A). It affirmed the judgment of the United States District Court for the Southern District of California dismissing applicant's complaint with prejudice, No. 3:23-cv-01915-RBM-AHG (June 24, 2024). Applicant timely petitioned for panel rehearing and rehearing en banc on June 18, 2026. The court of appeals denied both on July 13, 2026 (App. B).

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1, the time to file a petition expires on October 13, 2026: the ninetieth day after the denial of rehearing, October 11, 2026, is a Sunday, and October 12,

2026, is a federal legal holiday. This application is filed more than ten days before that date. Applicant has not previously sought an extension.

BACKGROUND

The district court dismissed applicant's complaint at the pleading stage solely on the ground of judicial estoppel, because applicant had not listed the claims in schedules filed in three Chapter 13 cases. Each of those cases was dismissed without confirmation of a plan and without a discharge. The district court found that the bankruptcy court had "accepted" applicant's position, and that applicant had obtained an unfair advantage, based on the automatic stays that arose in those cases. It did not reach the merits of any claim.

The court of appeals affirmed. It held that applicant's reliance on *Ah Quin v. County of Kauai Department of Transportation*, 733 F.3d 267 (9th Cir. 2013)—which held that, where a debtor has reopened the bankruptcy case, a court must inquire whether the debtor's omission was in fact inadvertent or mistaken—was misplaced because applicant had not reopened his bankruptcy cases. App. A, at 4.

One week later, this Court decided *Keathley v. Buddy Ayers Construction, Inc.*, No. 25-6 (June 11, 2026). The Court held that whether a debtor's omission of a claim from bankruptcy schedules was inadvertent or mistaken must be assessed in light of the totality of the circumstances, and it rejected a test that confined that inquiry to the debtor's knowledge of the underlying facts and potential motive to

conceal. Applicant's petition for rehearing relied on *Keathley*. The court of appeals denied rehearing without explanation.

REASONS FOR GRANTING AN EXTENSION

1. The petition will present questions arising from an intervening decision of this Court that the court of appeals did not address in its decision. They include how *Keathley* applies to a framework that treats a debtor who has not reopened the bankruptcy case differently from one who has, and whether the automatic stay under 11 U.S.C. § 362(a), which arises upon the filing of a petition, can establish judicial acceptance where the bankruptcy case was dismissed without confirmation or discharge. Presenting those questions properly requires careful review of the decisions of the courts of appeals, which applicant is still conducting.

2. Applicant is not a lawyer. He is preparing the petition without the assistance of counsel and intends to seek leave to proceed in forma pauperis.

3. The record is substantial. It includes district court proceedings on two motions to dismiss and a motion for reconsideration, the dockets and schedules from three bankruptcy cases, and the briefing in the court of appeals. Preparing an accurate appendix, redacted as Rule 34.6 requires, will take time.

4. Applicant is also self-represented in two appeals pending in the California Court of Appeal, Fourth Appellate District, Division One, Nos. D085693 and D086004, which were argued back to back on September 16, 2026, and remain under submission. One of those appeals is from the dismissal of applicant's quiet-title action, Superior Court of California, County of San Diego, No. 37-2023-

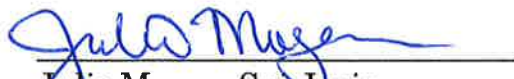
0043974-CU-OR-CTL. In that action, respondents The Bank of New York Mellon and Mortgage Electronic Registration Systems, Inc., have moved in the superior court to expunge applicant's notice of pendency of action. Applicant's opposition is due in early October 2026, and the motion is set for hearing on October 16, 2026, three days after the current deadline for the petition. Applicant's preparation for the September 16 arguments occupied much of the time since rehearing was denied, and decisions in those appeals, with any resulting filing deadlines, may issue during the period of the requested extension.

The extension will not prejudice respondents. They prevailed below, and the judgment dismissing applicant's claims remains in effect. This application is not sought for purposes of delay.

CONCLUSION

Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by 59 days, to and including December 11, 2026.

Respectfully submitted,


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Dated: September 22, 2026