

No. _____

In the Supreme Court of the United States

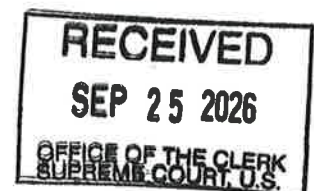
ESTEBAN MARTINEZ,
Applicant,

v.

CITY OF SANTA MARIA, et al.,
Respondents.

APPLICATION TO THE HONORABLE ELENA KAGAN,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES,
FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI

Esteban Martinez
Applicant, Pro Se
Santa Maria, California
September 14, 2026



APPLICATION

1 Applicant respectfully moves, pursuant to Supreme Court Rule 13.5, for a
2 30-day extension of time within which to file a petition for a writ of
3 certiorari seeking review of the judgment of the United States Court of
4 Appeals for the Ninth Circuit entered on July 30, 2026.

5

6 Absent an extension, the petition is due October 28, 2026. Applicant
7 requests an extension to and including November 27, 2026.

8

9 This application is addressed to the Honorable Elena Kagan, Associate
10 Justice assigned to the Ninth Circuit.

JURISDICTION

11 This Court has jurisdiction under 28 U.S.C. § 1254(1). Rule 13.5 permits a
12 Justice to extend the time to file a petition for writ of certiorari for
13 good cause.

STATEMENT OF THE CASE

14 The Ninth Circuit issued a memorandum disposition on July 30, 2026,
15 affirming the district court's dismissal of Applicant's civil-rights action
16 and denying all pending motions. Publicly accessible docket sources remain
17 stale and do not reflect the July 30, 2026 judgment, issuance of the
18 mandate, or any post-judgment activity.

19

20 Applicant has been unable to obtain updated docket entries or by mail only certified
21 copies of the judgment through public sources. The Ninth Circuit's docket
22 staleness has materially impeded preparation of the certiorari petition,
23 including verification of jurisdictional dates, mandate status, and the
24 completeness of the record.

GOOD CAUSE FOR EXTENSION

25 Good cause exists for the requested extension.

26

27 First, publicly accessible docket sources do reflect the July 30, 2026

28 disposition or but do not any post-judgment entries. This has delayed Applicant's
29 ability to confirm jurisdictional dates, obtain certified copies, and
30 prepare an accurate appendix.

31

32 Second, the missing docket entries have impeded Applicant's ability to
33 compile the full appellate record required for a certiorari petition,
34 including the memorandum disposition, mandate, and relevant motions.
35 the mandate issue prematurely because the panel applied the 14-day rehearing
deadline under FRAP 40(a)(1), even though the record establishes that a United States
officer or employee sued in an official capacity was a party to the appeal. Under FRAP
40(d)(1), the correct rehearing deadline 45 days when any party is the United States, a
federal agency, or a federal officer or employee sued in an official capacity.

LIMITED DISCOVERY OR TESTIMONY IS NECESSARY TO RESOLVE GOVERNMENT-PARTY STATUS

FRAP Notice of Appeal Timeline for U.S. Officer Cases

Under FRAP Rule 4(a), a notice of appeal in a civil case must generally be filed within 30
days of judgment entry, but if the United States or a U.S. officer is a party, all parties
have 60 days.

I have filed motions under FRCP 27(a) and FRCP 26(d) requesting narrowly tailored
factual development to determine whether any defendant was a federal agency, officer, or
employees, whether they performed governmental functions, whether they qualified as
"United States officers or employees" under FRAP 40(d)(1).

These motions seek only the minimal factual information necessary to determine the
correct rehearing deadline under FRAP 40(d)(1).

36 Third, Applicant is proceeding pro se and requires additional time to
37 prepare a petition that conforms to Supreme Court Rules 14, 33, and 39.

38

39 Fourth, Respondents will not be prejudiced by a brief extension, and the
40 Ninth Circuit's judgment remains final.

RELIEF REQUESTED

41 Applicant respectfully requests that the Honorable Elena Kagan grant a
42 30-day extension of time, to and including November 27, 2026, within which
43 to file a petition for a writ of certiorari.

CONCLUSION

44 For the foregoing reasons, the application should be granted.

SIGNATURE BLOCK

45 Respectfully submitted,

46

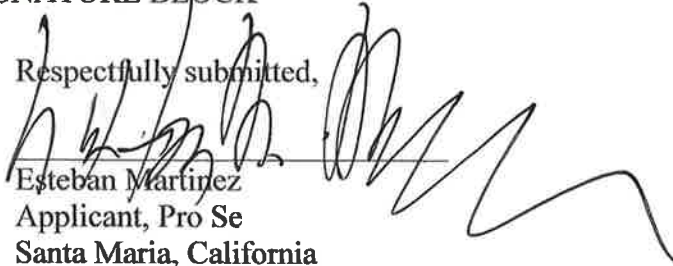
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48 Esteban Martinez

49 Applicant, Pro Se

50 Santa Maria, California

51 September 14, 2026

A handwritten signature in black ink, appearing to read 'Esteban Martinez', is written over a horizontal line. The signature is stylized and extends to the right.