No. 26A413 (Related to Ninth Circuit Case No. 26-6625)

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2026

ESTEBAN MARTINEZ,
Applicant,
v.
CITY OF SANTA MARIA, ET AL.,
Respondents.

FURTHER APPLICATION TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, FOR A SECOND 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 United States Court of Appeals for the Ninth Circuit:

Applicant Esteban Martinez respectfully moves, pursuant to Supreme Court Rule 13.5, for a further 60-day extension of time within which to file his petition for a writ of certiorari, to and including January 27, 2027.

On September 25, 2026, Applicant submitted his initial application for an extension of time (docketed as No. 26A413). Your Honor graciously granted that initial application, extending the filing deadline from October 28, 2026, to November 27, 2026. Applicant now requests a second extension to expand the time up to and including January 27, 2027, due to intervening procedural events and structural record deficiencies that have arisen since the initial extension was granted.

JURISDICTION

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

STATEMENT OF THE CASE

This matter arises out of a civil rights action originally filed under 42 U.S.C. § 1983 in the U.S. District Court for the Central District of California (D.C. No. 2:23-cv-06288-MWC-MAR). On July 30, 2026, a panel of the U.S. Court of Appeals for the Ninth Circuit issued a memorandum disposition affirming the district court's dismissal of the operative complaint.

Subsequent to this Court's order granting the initial extension of time, the Ninth Circuit initiated separate and ongoing procedural demands under a newly structured appellate docket, Case No. 26-6625. Specifically, on October 14, 2026, the Ninth Circuit issued a strict scheduling order requiring Applicant to compile corporate disclosure declarations and additional structural pleadings within 21 days (by November 4, 2026). The overlapping, concurrent requirements of Case No. 26-6625 have severely restricted the time available to Applicant to properly draft a conforming petition for a writ of certiorari before this Court.

GOOD CAUSE FOR EXTENSION

Good cause exists for a further 60-day extension under Rule 13.5 due to structural constraints outside of Applicant's control:

1. Severe Staleness of Public Record and Docket Inconsistencies:

Publicly accessible docket channels remain highly fragmented and stale regarding the critical components of the underlying judgment. As a pro se litigant relying strictly on physical mail options and restricted electronic updates, Applicant has faced persistent barriers trying to secure official, certified copies of the key lower-court components (such as the definitive entries regarding the First, Second, and Third Amended Complaints)

required to construct a valid appendix under Supreme Court Rule 14.

2. Critical Federal-Party Jurisdictional Discrepancies:

A material dispute remains unresolved concerning whether the Ninth Circuit prematurely terminated its rehearing timeline. While the panel applied a standard 14-day rehearing period under Federal Rule of Appellate Procedure 40(a)(1), Applicant maintains that specific individual defendants acted under the color of federal authority or performed intertwined governmental functions, triggering the expanded 45-day federal-party window. To resolve this question, Applicant has had to dedicate limited operational windows to filing targeted discovery discovery motions under Federal Rules of Civil Procedure 26(d) and 27(a). Granting an extension to January 27, 2027, ensures this baseline jurisdictional baseline can be finalized before the petition is presented to this Court.

3. Pro Se Status and Lack of Prejudice:

Applicant is an unrepresented litigant navigating these highly complex procedural thresholds independently. Preparing a high-standard petition that strictly complies with the strict layout rules of Supreme Court Rules 14, 33, and 39 requires reasonable time. The Respondents suffer absolutely no prejudice from a brief extension of time, as the underlying administrative structure remains fully preserved.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Honorable Elena Kagan grant a further 60-day extension of time, to and including January 27, 2027, within which to file a petition for a writ of certiorari.

Dated: October 29, 2026

Respectfully submitted,

Esteban Martinez
Applicant, Pro Se
Santa Maria, California