

No. _____

In the
Supreme Court of the United States

1210 CACIQUE STREET, LLC,

Petitioner,

v.

CITY OF SANTA BARBARA, et al.,

Respondents.

**On Petition for Writ of Certiorari to the
U.S. Court of Appeals for the Ninth Circuit**

**APPLICATION TO THE HONORABLE ELENA KAGAN,
ASSOCIATE JUSTICE, FOR AN EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

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1210 Cacique Street, LLC

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

Pursuant to Supreme Court Rule 13.5, Petitioner 1210 Cacique Street, LLC, respectfully requests an extension of time of 48 days to file its Petition for a Writ of Certiorari in this Court up to and including January 11, 2027.

RULE 29.6 CORPORATE DISCLOSURE STATEMENT

Petitioner 1210 Cacique Street, LLC, is a limited liability company organized under the laws of California. It is a subsidiary of PCP-Tropical Gardens LP, a California Limited Partnership. PCP-Tropical Gardens LP has no parent corporation. Neither 1210 Cacique, LLC, or PCP-Tropical Gardens LP, issue any shares.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *1210 Cacique St., LLC v. City of Santa Barbara*, No. 24-7728, 2026 WL 2098709, 2026 U.S. App. LEXIS 21587, (9th Cir. July 21, 2026) (attached as Exhibit 1). Judgment was entered on July 21, 2026. The Ninth Circuit denied Petitioner's timely petition for rehearing en banc on August 26, 2026 (attached as Exhibit 2). The current deadline within which to file a Petition for a Writ of Certiorari is November 24, 2026. This application for an extension of time is filed more than ten days in advance of that date.

JURISDICTION

This case arises under the Fifth Amendment to the United States Constitution and 42 U.S.C. § 1983. Petitioner 1210 Cacique Street, LLC, alleges that a certain

rent control regulation enacted by Respondents was an unconstitutional regulatory taking of private property pursuant to *Penn. Cent. Transp. Co. v. City of New York*, 438 U.S. 104 (1978). The Ninth Circuit affirmed the dismissal of Petitioner's claim pursuant to Fed. R. Civ. P. 12(b)(6), with a dissent from Judge Eric D. Miller. This Court has jurisdiction over the decision of the Ninth Circuit Court of Appeals pursuant to 28 U.S.C. § 1254.

REASONS FOR GRANTING EXTENSION OF TIME

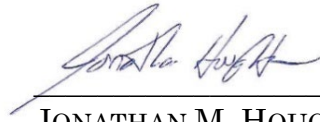
Good cause exists for the requested extension. Counsel of record for Petitioner, Jonathan M. Houghton, has a substantial workload concurrent with the time for the preparation of the petition in this case. He is counsel of record for the Petitioners in two petitions currently pending before this Court: *Garnell Walls v. Prince George's County, et al.*, No. 26-107, and *Tedford's Tenancy, LLC v. City of New York, et al.*, No. 26-110. The Court has called for a response to both petitions, and counsel has the primary drafting responsibilities for both of the forthcoming reply briefs. Counsel also has other litigation responsibilities during the period, including pending matters in the Ninth Circuit Court of Appeals and elsewhere. In light of these responsibilities, counsel seeks an extension to ensure the most effective petition in this case. This is Petitioner's first request for an extension.

CONCLUSION

For the foregoing reasons, Petitioner requests that this Court grant an extension of 48 days, up to and including January 11, 2027, within which to file a Petition for a Writ of Certiorari.

DATED: September 23, 2026.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jonathan M. Houghton", is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. Mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: September 23, 2026.



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