

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. _____

FELICIA (FELIZ), A. Mc INNIS,

Applicant,

v.

COMPASS GROUP USA dba LEVY PREMIUM FOODSERVICE, LP, et al.,

Respondents.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR
A WRIT**

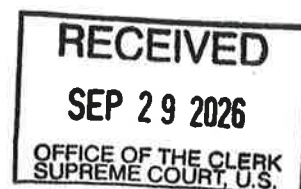
**OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH**

CIRCUIT.

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

**Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c),
Applicant Mc Innis respectfully requests a 60-day extension of time, to and
including January 25, 2027, within which to file a petition for a Writ of
Certiorari to review the judgment of the United States Court of Appeals
for the Ninth Circuit in this case. In support of this application, Applicant
states:**

Applicant intends to file a petition for a Writ of Certiorari challenging the



Ninth Circuit's unpublished disposition in *Mc Innis v. Levy Premium Foodservice, LP*, No. 25-2687, which affirmed the district court's dismissal of Applicant's Civil Rights claims under C.D. Cal. R. 7-12.

Unless extended, the time to file a petition for certiorari will expire on November 25, 2026. This application is being filed more than ten days before the petition is currently due and is supported by good cause. See Sup. Ct. R. 13.5.

Applicant is proceeding pro se and requires additional time to research and prepare a petition that presents the complex legal issues in this case.

Specifically, Applicant intends to argue that the Ninth Circuit's application of Local Rule 7-12 conflicts with the Federal Rules of Civil Procedure and creates a circuit split regarding whether a district court may dismiss a complaint with prejudice for failure to oppose a motion without assessing the merits of the complaint.

Applicant also intends to argue that the district court dismissed the case without proper notice that failure to respond to a specific document would result in dismissal, in violation of Federal Rule of Civil Procedure 83(b).

Applicant has not previously applied to this Court for an extension of time in which to file a petition for a writ of certiorari.

This application is made in good faith and not for purposes of delay.

Accordingly, Applicant respectfully requests that an order be entered extending the time to file a Petition for Certiorari to and including

60 days from current deadline of November 25, 2026.

Respectfully submitted,

Felicia (Feliz), A. Mc Innis

4414 10th Ave

Los Angeles, Ca. 90043

757 234-1278

Pro - Se Applicant

Dated: September 24, 2026

Certificate of Service:

I, Felicia (Feliz), A. Mc Innis certify that on September 24, 2026, a true and accurate copy of this application for an Extension of Time was served on counsel for Respondents by placing it in the United States mail, postage prepaid, properly addressed to:

Lonnie Giamela

Fisher and Phillips

444 South Flower Street, Suite 1500, Los Angeles, CA 90071

Print: FELICIA (FELIZ), A. MCINNIS

Sign: Felicia (Feliz), A. McInnis

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 27 2026

FOR THE NINTH CIRCUIT

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

FELICIA A. Mc INNIS,

Plaintiff - Appellant,

v.

LEVY PREMIUM FOODSERVICE, LP,
Erroneously Sued As Levy Restaurants and
Catering; COMPASS GROUP, PLC, doing
business as Levy Premium Foodservice,

Defendants - Appellees.

No. 25-2687

D.C. No. 2:24-cv-04430-MWF-MAA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Felicia A. Mc Innis appeals pro se from the district court's judgment
dismissing her employment action alleging discrimination claims under federal

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

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

law. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion a district court's dismissal on the basis of its local rules. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). We affirm.

The district court did not abuse its discretion by dismissing Mc Innis's action because Mc Innis failed to oppose the motion to dismiss. *See* C.D. Cal. R. 7-12 ("The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion . . ."); *Ghazali*, 46 F.3d at 53-54 (9th Cir. 1995) (discussing factors to be considered before dismissing a case for failure to follow local rules, recognizing that "[f]ailure to follow a district court's local rules is a proper ground for dismissal," and affirming dismissal for failure to file an opposition to a motion to dismiss).

All pending motions are denied.

AFFIRMED.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Information Regarding Judgment and Post-Judgment Proceedings

Judgment

- This Court has filed and entered the attached judgment in your case. Fed. R. App. P. 36. Please note the filed date on the attached decision because all of the dates described below run from that date, not from the date you receive this notice.

Mandate (Fed. R. App. P. 41; 9th Cir. R. 41-1 & -2)

- The mandate will issue 7 days after the expiration of the time for filing a petition for rehearing or 7 days from the denial of a petition for rehearing, unless the Court directs otherwise. To file a motion to stay the mandate, file it electronically via the appellate electronic filing system or, if you are a pro se litigant or an attorney with an exemption from the electronic filing requirement, file one original motion on paper.

Petition for Panel Rehearing and Petition for Rehearing En Banc (Fed. R. App. P. 40; 9th Cir. R. 40-1 to 40-4)

(1) Purpose

A. Panel Rehearing:

- A party should seek panel rehearing only if one or more of the following grounds exist:
 - A material point of fact or law was overlooked in the decision;
 - A change in the law occurred after the case was submitted which appears to have been overlooked by the panel; or
 - An apparent conflict with another decision of the Court was not addressed in the opinion.
- Do not file a petition for panel rehearing merely to reargue the case.

B. Rehearing En Banc

- A party should seek en banc rehearing only if one or more of the following grounds exist:
 - Consideration by the full Court is necessary to secure or maintain uniformity of the Court's decisions; or
 - The proceeding involves a question of exceptional importance; or

- The opinion directly conflicts with an existing opinion by another court of appeals or the Supreme Court and substantially affects a rule of national application in which there is an overriding need for national uniformity.

(2) Deadlines for Filing:

- A petition for rehearing or rehearing en banc must be filed within 14 days after entry of judgment. Fed. R. App. P. 40(d).
- If the United States or an agency or officer thereof is a party in a civil case, the time for filing a petition for rehearing is 45 days after entry of judgment. Fed. R. App. P. 40(d). The deadlines for seeking reconsideration of a non-dispositive order are set forth in 9th Cir. R. 27-10(a)(2).
- If the mandate has issued, the petition for rehearing should be accompanied by a motion to recall the mandate.
- See Advisory Note to 9th Cir. R. 40-1 (petitions must be received on the due date).
- An order to publish a previously unpublished memorandum disposition extends the time to file a petition for rehearing to 14 days after the date of the order of publication or, in all civil cases in which the United States or an agency or officer thereof is a party, 45 days after the date of the order of publication. 9th Cir. R. 40-4.

(3) Statement of Counsel

- A petition should contain an introduction stating that, in counsel's judgment, one or more of the situations described in the "purpose" section above exist. The points to be raised must be stated clearly.

(4) Form & Number of Copies (9th Cir. R. 40-1; Fed. R. App. P. 32(c)(2))

- The petition shall not exceed 15 pages unless it complies with the alternative length limitations of 4,200 words or 390 lines of text.
- The petition must be accompanied by a copy of the panel's decision being challenged.
- An answer, when ordered by the Court, shall comply with the same length limitations as the petition.
- If a pro se litigant elects to file a form brief pursuant to Circuit Rule 28-1, a petition for panel rehearing or for rehearing en banc need not comply with Fed. R. App. P. 32.

- The petition or answer must be accompanied by a Certificate of Compliance found at Form 11, available on our website at www.ca9.uscourts.gov under *Forms*.
- Attorneys must file the petition electronically via the appellate electronic filing system. No paper copies are required unless the Court orders otherwise. If you are a pro se litigant or an attorney exempted from using the appellate ECF system, file one original petition on paper. No additional paper copies are required unless the Court orders otherwise.

Bill of Costs (Fed. R. App. P. 39, 9th Cir. R. 39-1)

- The Bill of Costs must be filed within 14 days after entry of judgment.
- See Form 10 for additional information, available on our website at www.ca9.uscourts.gov under *Forms*.

Attorneys Fees

- Ninth Circuit Rule 39-1 describes the content and due dates for attorneys fees applications.
- All relevant forms are available on our website at www.ca9.uscourts.gov under *Forms* or by telephoning (415) 355-8000.

Petition for a Writ of Certiorari

- The petition must be filed with the Supreme Court, not this Court. Please refer to the Rules of the United States Supreme Court at www.supremecourt.gov.

Counsel Listing in Published Opinions

- Please check counsel listing on the attached decision.
- If there are any errors in a published opinion, please send a letter **in writing within 10 days** to:
 - Thomson Reuters; 610 Opperman Drive; PO Box 64526; Eagan, MN 55123 (Attn: Maria Evangelista, maria.b.evangelista@tr.com);
 - **and** electronically file a copy of the letter via the appellate electronic filing system by using the Correspondence filing category, or if you are an attorney exempted from electronic filing, mail the Court one copy of the letter.

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 10. Bill of Costs

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form10instructions.pdf>

9th Cir. Case Number(s)

Case Name

Name of party/parties requesting costs to be taxed:

I swear under penalty of perjury that the copies for which costs are requested were actually and necessarily produced, and that the requested costs were actually expended.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

COST TAXABLE	REQUESTED			
	(each column must be completed)			
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Principal Brief(s) (<i>Opening Brief; Answering Brief; 1st, 2nd, and/or 3rd Brief on Cross-Appeal; Intervenor Brief</i>)			\$	\$
Reply Brief / Cross-Appeal Reply Brief			\$	\$
Supplemental Brief(s)			\$	\$
Petition for Review Docket Fee / Petition for Writ of Mandamus Docket Fee / Appeal from Bankruptcy Appellate Panel Docket Fee/Appeal from District Court filing portion of fee (\$5)				\$
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