

No. 26A _____

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL JACOB LIBMAN,
Applicant,

v.

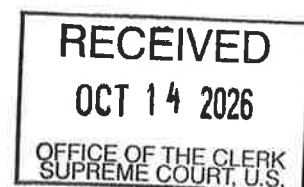
THE STATE BAR OF CALIFORNIA,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF
CALIFORNIA**

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

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October 12, 2026



**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH 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 Rule 13.5 and 28 U.S.C. § 2101(c), Applicant Michael Jacob Libman, appearing pro se, respectfully requests a sixty-day extension of time, to and including Monday, December 28, 2026,¹ to file a petition for a writ of certiorari to review the judgment of the Supreme Court of California in *In re Michael Jacob Libman on Discipline*, No. S295315.

1. **Judgment below and jurisdiction.** On July 29, 2026, the Supreme Court of California denied review and ordered Applicant disbarred. App. A. It left in place the State Bar Court Review Department's opinion affirming the recommendation of disbarment (filed January 14, 2026; modified March 3, 2026). App. B. No petition for rehearing was filed. The petition will invoke this Court's jurisdiction under 28 U.S.C. § 1257(a). Applicant's time to file expires October 27, 2026; this application is filed more than ten days before that date.

2. **Background.** Applicant, admitted in 2002 with no prior discipline, was charged in two separate proceedings that were tried separately in 2024—over seven days and three days—and consolidated only after both trials. The Hearing Department found him culpable on nine counts and recommended disbarment, and the Review Department affirmed. After his lead trial counsel became gravely ill, Applicant sought review pro se; review was denied without opinion.

3. **Federal questions.** The petition will present federal questions raised and decided below, including (a) whether the Fifth and Fourteenth Amendments permit a disciplinary tribunal

¹The sixtieth day after October 27, 2026 is Saturday, December 26, 2026. December 28, 2026 is the next day that is not a Saturday, Sunday, or federal legal holiday. *See* Rule 30.1.

to strike a lawyer's testimony in his own defense because he invoked the privilege against self-incrimination when the prosecution called him as an adverse witness earlier in the same trial—an invocation the Review Department called a “tactical ploy,” App. B at 20; *see Spevack v. Klein*, 385 U.S. 511 (1967); (b) whether due process permits disbarment for disobeying orders entered by a judge who was then the subject of the lawyer's judicial-misconduct complaints and, later, a defendant in his federal civil-rights action; *see In re Murchison*, 349 U.S. 133 (1955); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); and (c) whether the Petition Clause permits a State to treat that civil-rights action as aggravation supporting disbarment without finding it objectively baseless; *see BE&K Construction Co. v. NLRB*, 536 U.S. 516 (2002).

4. **The record is long and the issues are complex.** The record comprises approximately ten volumes of reporter's transcript, hundreds of exhibits, and more than 1,900 pages of filings and orders, covering nine counts and events spanning nearly a decade. Rule 14.1(g)(i) requires the petition to show where each federal question was raised and decided below. On this record, that showing alone requires review of the entire record.

5. **Applicant needs experienced Supreme Court counsel.** Applicant has never prepared a petition for certiorari. He has concluded that the broad petition he filed in the Supreme Court of California is not a model for one here, and that he needs experienced Supreme Court advocates to help him decide what to say and, more importantly, what not to say. The need is heightened because certiorari is the only federal review available to a lawyer disciplined by a state court, *see District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 482–486 (1983), and the questions concern procedures under which any California lawyer may be disciplined. Applicant is contacting several experienced Supreme Court practitioners and hopes to engage counsel promptly. Counsel will need time to master the record and prepare the petition.

6. **Applicant was unavailable for much of the period.** From late July through mid-September 2026, Applicant was frequently outside the United States for extended periods attending to urgent and sensitive family and personal matters and could not work on a petition during those absences.

7. **A likely related petition is pending, and a related order bears on the case.** *Eastman v. State Bar of California*, No. 26-336, arises from a disciplinary trial before the same State Bar Court hearing judge and presents First Amendment questions related to question (c). Respondent waived its response on October 9, 2026. In addition, on June 18, 2026, the Review Department, sitting *en banc*, disqualified that hearing judge from a disciplinary proceeding against another attorney involved in the litigation underlying Applicant's case, holding under California's objective standard that a reasonable person would doubt her impartiality because of findings she had made in Applicant's case. *In the Matter of Kiesel*, No. SBC-26-O-30207 (Review Dept. June 18, 2026). The extension would allow the petition to account for both.

8. **No delay or prejudice.** This is Applicant's first request for an extension, and sixty days is the maximum the Rules allow. The disbarment order has not been stayed, so the extension does not alter the status quo. Applicant notified Respondent's counsel of this application by electronic mail on October 12, 2026. Respondent has not stated its position.

Applicant therefore requests an extension to and including December 28, 2026.

Respectfully submitted,

/s/ Michael Jacob Libman
MICHAEL JACOB LIBMAN

Applicant, pro se

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