

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CARL GORDON, Applicant,

v.

ELENI KOUNALAKIS, ET AL., Respondents.

On Application to Extend Time to Petition for a Writ of Certiorari
to the United States Court of Appeals for the Ninth Circuit

No. 25-561

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

From November 4, 2026, through January 4, 2027

**TO THE HONORABLE ELENA KAGAN
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE
FOR THE NINTH CIRCUIT**

Carl Gordon

Applicant, Pro Se

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October 22, 2026

APPLICATION

Applicant Carl Gordon, appearing pro se, respectfully requests under Supreme Court Rule 13.5 a sixty-day extension of time to file a petition for a writ of certiorari seeking review of the June 24, 2026 judgment in Ninth Circuit No. 25-561, *Gordon v. Kounalakis, et al.* This request seeks relief solely for Carl Gordon and solely as to that judgment.

I. JURISDICTION AND FILING DEADLINE

This Court has jurisdiction under 28 U.S.C. § 1254(1). Authority for the requested extension appears in 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5.

The Ninth Circuit entered judgment on June 24, 2026. Applicant timely sought panel rehearing and rehearing en banc. The court denied rehearing on August 6, 2026, and issued its mandate on August 14, 2026.

Under Rule 13.3, the ninety-day period runs from denial of rehearing. The present deadline is November 4, 2026. Sixty additional days end on Sunday, January 3, 2027. Applicant therefore requests Monday, January 4, 2027, applying Rule 30.1.

II. GOOD CAUSE FOR THE REQUESTED EXTENSION

Applicant is proceeding without counsel and personally performing the legal research, record review, drafting, appendix preparation, citation checking, reproduction, and filing work required for Supreme Court review.

This case is one of three related Ninth Circuit matters, Nos. 25-1190, 25-561, and 25-5722, with rehearing denied on August 6, 2026. Applicant is preparing separate extension applications for those cases. Their records also overlap with other Gordon proceedings and extensive materials assembled in Volumes I, II, and III.

Applicant must examine the disposition and procedural history of each case, identify preserved questions, distinguish shared issues from case-specific grounds, and select the portions of the record necessary for an accurate petition and appendix. This work includes examining the notices and opportunities to respond preceding the appellate dispositions.

During the available preparation period, Applicant has also pursued related Supreme Court relief and addressed continuing district-court and appellate matters. These simultaneous obligations have required substantial preparation and record-management work.

Applicant has actively pursued review through rehearing, related applications, and organization of the underlying records. The requested extension will permit him to complete the questions presented, verify record citations, assemble the appendix, and arrange service and filing.

The September 5 application expressly sought an extension only for Ninth Circuit No. 26-1797. The extension granted in No. 26A322 to November 20, 2026,

concerned that separate judgment. Applicant now requests an extension specifically for the judgment identified in this Application.

The cumulative demands of the overlapping records, continuing litigation obligations, and personal responsibility for all preparation establish good cause. Additional time is sought to complete an accurate and orderly presentation, not for delay.

III. REQUEST FOR RELIEF

Applicant respectfully requests that the time to file a petition for a writ of certiorari in Ninth Circuit No. 25-561 be extended from November 4, 2026, through January 4, 2027, reflecting sixty additional days and the weekend computation prescribed by Rule 30.1.

Dated: October 22, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl Gordon', with a long horizontal flourish extending to the right.

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APPENDIX CONTENTS

EXHIBIT A

June 24, 2026 Memorandum

United States Court of Appeals for the Ninth Circuit

Gordon v. Kounalakis, et al.

No. 25-561

EXHIBIT B

August 6, 2026 Order Denying Panel Rehearing and Rehearing En Banc

United States Court of Appeals for the Ninth Circuit

No. 25-561

EXHIBIT A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUN 24 2026

FOR THE NINTH CIRCUIT

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

CARL GORDON,

Plaintiff - Appellant,

v.

ELENI KOUNALAKIS, Lieutenant
Governor of California in her individual
capacity; DOES, 1 through 10,

Defendants - Appellees.

No. 25-561

D.C. No. 2:24-cv-03683-MRA-AS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Monica Ramirez Almadani, District Judge, Presiding

Submitted June 22, 2026**

Before: CANBY, BENNETT, and BADE, Circuit Judges.

Carl Gordon appeals pro se from the district court's judgment dismissing without leave to amend his 42 U.S.C. § 1983 action alleging that California's September 14, 2021, gubernatorial recall election was void. We have jurisdiction

* 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).

under 28 U.S.C. § 1291. We review de novo. *Keates v. Koile*, 883 F.3d 1228, 1234 (9th Cir. 2018) (qualified immunity); *Porter v. Jones*, 319 F.3d 483, 489 (9th Cir. 2003) (mootness). We affirm.

The district court properly dismissed Gordon’s claims for prospective injunctive and declaratory relief because they are moot and are not capable of repetition, yet evading review. *See Porter*, 319 F.3d at 489-90 (explaining when a case becomes moot and when the exception for claims that are capable of repetition, yet evading review may apply); *see also Protectmarriage.com-Yes on 8 v. Bowen*, 752 F.3d 827, 834 (9th Cir. 2014) (noting that a claim is moot “where a plaintiff seeks to enjoin an activity that has already occurred, and [the court] cannot ‘undo’ that action’s allegedly harmful effects”).

The district court properly dismissed Gordon’s claims for damages because defendant is entitled to qualified immunity. *See Cuevas v. City of Tulare*, 107 F.4th 894, 898 (9th Cir. 2024) (“Qualified immunity protects government officials from liability under § 1983 unless (1) they violated a federal statutory or constitutional right, and (2) the unlawfulness of their conduct was clearly established at the time.” (citation and internal quotation marks omitted)); *see also Swarthout v. Cooke*, 562 U.S. 216, 222 (2011) (“[A] mere error of state law is not a denial of due process.” (citation and internal quotation marks omitted)); *Nat’l R.R. Passenger Corp. v. Atchison Topeka & Santa Fe Ry. Co.*, 470 U.S. 451, 465-66

(1985) (noting that “absent some clear indication . . . , the presumption is that ‘a law is not intended to create private contractual . . . rights’” (citation omitted)); *Zeyen v. Bonneville Joint Dist.*, # 93, 114 F.4th 1129, 1147 (9th Cir. 2024) (noting that reasonable user fees imposed for the reimbursement of the cost of government services are not a taking).

Contrary to Gordon’s contentions, the district court did not violate his constitutional rights by failing to address his ex parte motion for leave to amend, where the proposed amendment was futile.

We reject as unsupported by the record Gordon’s contentions of judicial misconduct or bias. *See Liteky v. United States*, 510 U.S. 540, 555 (1994) (explaining that “judicial rulings alone almost never constitute a valid basis for a bias or partiality motion”).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

The motion (Docket Entry No. 70) to accept the late filed brief is granted. All other pending motions and requests are denied.

AFFIRMED.

EXHIBIT B

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 6 2026

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

CARL GORDON,

Plaintiff - Appellant,

v.

ELENI KOUNALAKIS, Lieutenant
Governor of California in her individual
capacity and DOES, 1 through 10,

Defendants - Appellees.

No. 25-561

D.C. No. 2:24-cv-03683-MRA-AS
Central District of California,
Los Angeles

ORDER

Before: CANBY, BENNETT, and BADE, Circuit Judges.

The motion (Docket Entry No. 83) to stay the mandate is denied. *See Fed. R. App. P. 41(b).*

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See Fed. R. App. P. 40.*

The petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 85) are denied.

The mandate will issue in due course.

This court will not entertain further filings in this closed case.

PROOF OF SERVICE

Ninth Circuit No. 25-561

I, Mae Gordon, declare as follows:

I am over eighteen years of age and am not a party to this proceeding. My address is 1125 South Holt Avenue, Apartment 3, Los Angeles, California 90035.

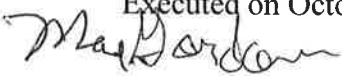
On October 22, 2026, I served a true and correct copy of Carl Gordon's **Application for an Extension of Time to File a Petition for a Writ of Certiorari in Ninth Circuit No. 25-561**, together with its accompanying appendix, including Exhibits A and B, by depositing a copy in a sealed envelope in the United States mail at Los Angeles, California, with first-class postage fully prepaid, addressed to the following recipient:

Attorney General of California
Edward Powell Wolfe
Deputy Attorney General
CAAG – Office of the Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92186-5266
Telephone: (619) 738-9081
Fax: (619) 645-2581
Email: edward.wolfe@doj.ca.gov

On the same date, I also transmitted an electronic copy of the application and accompanying appendix to the email address listed above. A copy of the sent service email is attached.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 22, 2026, at Los Angeles, California.



Mae Gordon