ORIGINAL

Allen R. Auten J-42767
Mario King E-39208
Bruce Koklich v-25135
Jared E. Manley T-91138
Lawrence Remsen C-67186
P.O. Box 3100
Chino, CA. 91708

Petitioners in Pro Se

IN THE SUPREME COURT OF THE UNITED STATES

APPLICATION FOR ENLARGEMENT OF TIME

ALLEN R. AUTEN: in his individual capacity et al. Petitioners - Appellants -vs- GAVIN NEWSOM, Governor of the State of California, Official & individual capacity; et al. Respondents - Appellees	USSC Case No. Ninth Cir. No. 23-3704 Dist. Ct. No. 5:23-cv-01994-SSS-MAR APPLICATION TO THE HONORABLE ELENA KAGAN JUDGE REQUESTING EXTENTION OF TIME TO FILE WRIT OF CERTIORARI [USSC Rules 13.5, 22 & 30]

APPLICATION TO THE HONORABLE ELENA KAGAN, AS CIRCUIT JUSTICE, FOR AN EXTENSION OF TIME WITHIN WHICH 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 Supreme Court Rules 13.5, 22, and 30, Applicant respectfully requests a 60-day extension of time, up to and including January 8, 2027, within which to file a Petition for a Writ of Certiorari in this matter. The current deadline for filing is November 10, 2026. This application is being filed at least 10 days prior to that date, in full compliance with Rule 30(2). This Application would not have to be

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filed, but the Ninth Circuit fails and refuses to enforce United States Supreme Authority under Rule 71.

JUDGEMENT BELOW

The United States Court of Appeals for the Ninth Circuit entered its judgement on PETITION FOR PANEL REHEARING AND REHEARING EN BANC in case No.23-3704 on 08/12/2026. A copy of that order is attached to this application as (See Appendix #1).

JURISDICTION

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

REASONS FOR JUSTIFYING AN EXTENSION OF TIME

Good cause exists for the requested extension of time. Because Petitioner's are indigent prisoner inmate's who suffer daily irreparable injury because of the failure to enforce the law as written. Additionally, Plaintiff's continue to have consistent access problems to the prison Law Library at the California Institution for Men (CIM). Petitioner's are also experiencing substantial difficulty in locating qualified counsel. This due to the fact that most Lawyers have not heard of a Rule 71 Motion to enforce existing U.S. Supreme Court Authority (or other court authority). This fact alone makes locating counsel a challenge.

Plaintiff's need the 60 day enlargement of time to have reasonable access to the Prison Law Library. Additionally, extension is warranted to locate and retain competent counsel that is experienced in Fed.R.Civ.Proc. Rule 71 enforcement claims. The Relief requested will include an Order compelling the Ninth Circuit to enforce existing United States Supreme Authority, which they are ignoring. Moreover, multiple ongoing injury

facts were not acknowledged by the Ninth Circuit, and should have been. Because this case represents thousands of constitutionally harmed inmate victims, this Court should consider appointing or referring counsel to Petitioner's so a filing of a cogent and accurate Writ of Certiorari can be provided to this court on an expedient basis. A continuing Irreparable Harm from the breach of contract and failure to enforce the law as written investigation by this Court is also warranted.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the time for filing a Petition for a Writ of Certiorari in this case be extended by 60 days, up to and including January 11, 2027.

VERIFICATION - 28 U.S.C. § 1746

As Petitioner's in the above entitled action, the below parties specifically declare under the penalty of perjury under the laws of the State of California and the Laws of the United States of America, that the foregoing is true and correct.

Respectfully Submitted

Allen R. Auten — Dated 10/28/26

Mario King — Dated 10/28/26

Bruce Koklich — Dated 10/29/26

Jared E. Manley — Dated 10/28/26

Lawrence Remsen — Dated 10/28/26

APPENDIX LIST

APPENDIX NUMBER		No. of pages
# 1.	August 12, 2026 Order denying the Petition for Rehearing and Rehearing in Banc from the Ninth Circuit.	1

FILED

AUG 12 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALLEN R. AUTEN; et al.,

Plaintiffs - Appellants,

v.

GAVIN NEWSOM, Governor of the State of California, official capacity and individual capacity; et al.,

Defendants - Appellees.

No. 23-3704

D.C. No. 5:23-cv-01994-SSS-MAR
Central District of California,
Riverside

ORDER

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

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. 23) are denied.

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

NOT FOR PUBLICATION

FILED

MAY 13 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ALLEN R. AUTEN; MARIO KING; BRUCE KOKLICH; JARED MANELY; LAWRENCE REMSEN,

Plaintiffs - Appellants,

v.

GAVIN NEWSOM, Governor of California, Governor of the State of California, official capacity and individual capacity; KATHLEEN ALLISON, Director, California Department of Corrections and Rehabilitation (CDCR), official capacity and individual capacity; JENNIFER SHAFFER, Executive Officer of the state Parole Agency aka (BPH), official capacity and individual capacity; ROB BONTA, Attorney General for the State of California, official capacity and individual capacity; DOES, One through Twenty inclusive,

Defendants - Appellees.

No. 23-3704

D.C. No. 5:23-cv-01994-SSS-MAR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Sunshine Suzanne Sykes, District Judge, Presiding

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

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

California state prisoners Allen R. Auten, Mario King, Bruce Koklich, Jared Manely, and Lawrence Remsen appeal pro se from the district court's judgment dismissing their 42 U.S.C. § 1983 action related to good-time credits. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Hebrard v. Nofziger*, 90 F.4th 1000, 1006 (9th Cir. 2024) (dismissal of a complaint as *Heck*-barred); *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915A); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed plaintiffs' action as barred by *Heck*, because success on plaintiffs' claims would necessarily imply the invalidity of their sentences, and they failed to allege facts demonstrating that their sentences had been invalidated. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) (barring § 1983 claims which, if successful, "would necessarily imply the invalidity" of an inmate's sentence, unless inmate demonstrates that the sentence has been invalidated); *id.* at 482-83 (rejecting contention that a plaintiff could bring a § 1983 action to recover damages "measured by the actual loss of good time").

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

Contrary to their contentions, plaintiffs have not shown that they are members of a certified class in *Wolff v. McDonnell*, 418 U.S. 539 (1974), or any other action or entitled to enforce a particular court order under Federal Rule of Civil Procedure 71.

We reject as unsupported by the record plaintiffs' contentions that the district court was biased against them, violated their constitutional rights, or engaged in misconduct or criminal behavior.

Plaintiffs' motion for civil contempt and damages or sanctions (Docket Entry No. 19) is denied.

AFFIRMED.