No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FARID SHAHRIVAR, Applicant

v.

RODNEY RAPSON, et al., Respondents

On Application for an Extension of Time to File a Petition for a Writ of Certiorari to Review the Judgment of the United States Court of Appeals for the Ninth Circuit

Ninth Circuit No. 23-16131

APPLICATION FOR A 60-DAY EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

Addressed to the Honorable Elena Kagan, Associate Justice and Circuit Justice for the Ninth Circuit

Submitted by:

Farid Shahrivar, Applicant, Pro Se
18628 Paseo Pueblo
Saratoga, California 95070
Telephone: (408) 203-9117
Email: fs.zrazi.org@gmail.com

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SUPREME COURT, U.S.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to Rules 13.5, 22, and 30 of this Court, Applicant Farid Shahrivar, proceeding pro se, respectfully requests the full 60-day extension permitted by Rule 13.5 to file a petition for a writ of certiorari. This application is made solely on behalf of Farid Shahrivar. The ordinary deadline is November 24, 2026. Sixty days thereafter is Saturday, January 23, 2027; under Rule 30.1, Applicant requests a filing deadline of Monday, January 25, 2027.

1. Judgment and jurisdiction.

Applicant seeks review of the August 26, 2026 judgment of the United States Court of Appeals for the Ninth Circuit in Shahrivar v. Rapson, No. 23-16131 (district court No. 3:10-cv-01029-RS), which affirmed the district court's judgment. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). The Ninth Circuit's memorandum disposition is attached as Exhibit A.

2. Status of rehearing proceedings.

The Ninth Circuit extended the deadline to petition for panel rehearing and/or rehearing en banc to November 9, 2026 (September 4 order, Exhibit B). On November 3, 2026, the Ninth Circuit granted a further extension only through December 9, 2026, and stated that no further rehearing extensions would be granted (Exhibit C). The original 90-day certiorari period, measured from August 26 in the absence of a qualifying rehearing petition, ends November 24. Applicant seeks this extension protectively while evaluating rehearing and certiorari options. Applicant recognizes that a timely rehearing petition, if filed, may change the starting date under Rule 13.3; the mere extension of the time to seek rehearing does not itself do so.

3. Specific good cause.

Applicant has documented significant medical and functional limitations that interfere with concentration, sustained work, and management of complex litigation. An updated October 21,

2026 letter from his primary care physician recommends not less than 150 days of relief from litigation obligations to permit treatment and recovery. The Ninth Circuit granted leave to submit that letter under seal in its November 3 order (Exhibit C). Applicant does not reproduce or attach the confidential medical letter to this public application.

The appellate record is substantial. Despite diligent efforts over an extended period, Applicant has not secured qualified appellate counsel able to review the record and evaluate post-decision remedies within the available time. Applicant's documented medical and functional limitations, compounded by the closure of his treating specialist-physician's clinic and the resulting prolonged disruption of specialist care, have further impeded these efforts.

The Ninth Circuit granted extensions of the deadline for filing a rehearing petition that were substantially shorter than the periods recommended by Applicant's primary care physician. These shorter extensions, compounded by Applicant's medical and functional limitations, disruption of specialist care, and other urgent legal obligations, have prevented adequate recovery and the retention of qualified counsel to assume responsibility for the case. The upcoming holiday period further limits the practical opportunity for attorney consultation. These circumstances create a concrete need for the maximum additional time authorized by Rule 13.5 to determine whether Supreme Court review is warranted and, if so, prepare a compliant petition.

4. Request.

For these reasons, Applicant respectfully requests a 60-day extension of time beyond November 24, 2026, through January 23, 2027, with the filing deadline falling on Monday, January 25, 2027, pursuant to Supreme Court Rule 30.1.

Respectfully submitted,
Signature: _____

Farid Shahrivar, Applicant, Pro Se
Date signed: __November 12, 2026

APPENDIX TO APPLICATION FOR EXTENSION OF TIME

TABLE OF CONTENTS OF APPENDIX

Exhibit A: Ninth Circuit Memorandum Disposition, August 26, 2026, No. 23-16131, Dkt. 62-1

(three pages)

Exhibit B: Ninth Circuit Order, September 4, 2026, No. 23-16131, Dkt. 66 (one page)

Exhibit C: Ninth Circuit Order, November 3, 2026, No. 23-16131, Dkt. 69 (one page)

The exhibits are reproduced from the Ninth Circuit documents. No unredacted medical records are included.

NOT FOR PUBLICATION

FILED

AUG 26 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FARID SHAHRIVAR,

Plaintiff-Appellant,

v.

RODNEY RAPSON, an individual; DAVID SYKES, an individual; HARRY FREITAS; KATHERINE JENSEN, an individual; DAVID PRINTY, an individual; DANNY TSAO; KATRINA ALLEN, an individual; DOUG BAKER, an individual; ALEX GURZA, an individual; SARAH NUNES, an individual; LES WHITE, an individual; ALLEN DEMERS, an individual; RAJIV DAS, an individual; ADAM STREMPEL, an individual; STEVE PAGAN, an individual; ANGELA CHEN, an individual; MARK DANAJ, an individual; ROBERT FABELA, an individual; SUSAN LACY; CITY OF SAN JOSE, a municipality,

Defendants-Appellees.

No. 23-16131

D.C. No. 3:10-cv-01029-RS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Richard Seeborg, District Judge, Presiding

Submitted August 25, 2026**

* 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

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

Farid Shahrivar appeals pro se from the district court's summary judgment in his employment action alleging retaliation under 42 U.S.C. § 1981. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1103 (9th Cir. 2008). We affirm.

The district court properly granted summary judgment because Shahrivar failed to raise a genuine dispute of material fact as to whether defendants' legitimate, non-retaliatory reasons for disciplining and terminating Shahrivar were pretextual. *See id.* at 1108 (setting forth the *McDonnell Douglas* burden shifting framework for § 1981 retaliation claims).

The district court did not abuse its discretion in denying Shahrivar's motions for reconsideration because Shahrivar failed to set forth any basis for relief. *See Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262-63 (9th Cir. 1993) (setting forth standard of review and grounds for reconsideration under Federal Rules of Civil Procedure 59 and 60).

The district court did not abuse its discretion in its discovery rulings and pretrial scheduling. *See Jorgensen v. Cassiday*, 320 F.3d 906, 913 (9th Cir. 2003) (setting forth standard of review and noting that "[t]he district court is given broad discretion in supervising the pretrial phase of litigation" (citation and internal

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without oral argument. *See* Fed. R. App. P. 34(a)(2).

quotation marks omitted)).

We do not consider Shahrivar's contentions regarding the district court's dismissal of his Fair Employment and Housing Act claims because those claims are outside the scope of this appeal.

The motion (Docket Entry No. 48) to take judicial notice and the motion (Docket Entry No. 60) to replace the reply brief are granted.

AFFIRMED.

FILED

SEP 4 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FARID SHAHRIVAR, Plaintiff-Appellant, v. RODNEY RAPSON, an individual; et al., Defendants-Appellees.	No. 23-16131 D.C. No. 3:10-cv-01029-RS Northern District of California, San Francisco ORDER

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

The motion (Docket Entry No. 64) for an extension of time to file a petition for rehearing is granted in part. The petition for rehearing is due November 9, 2026. No further extensions will be granted absent a showing of extraordinary and compelling circumstances.

The motion (Docket Entry No. 65) to file a letter from Shahrivar's treating physician is granted. The Clerk will maintain the letter attached to the motion (Docket Entry No. 65-2) under seal.

FILED

NOV 3 2026

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FARID SHAHRIVAR, Plaintiff-Appellant, v. RODNEY RAPSON, an individual; et al., Defendants-Appellees.	No. 23-16131 D.C. No. 3:10-cv-01029-RS Northern District of California, San Francisco ORDER

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

The motion (Docket Entry No. 67) to file a letter from Shahrivar's treating physician under seal is granted. The clerk will maintain the letter attached to the motion (Docket Entry No. 67-2) under seal.

The motion (Docket Entry No. 68) for a second extension of time to file a petition for rehearing is granted in part. The petition for rehearing is due December 9, 2026. No further extensions of time to file a petition for rehearing will be granted.

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

FARID SHAHRIVAR, Applicant

v.

RODNEY RAPSON, et al., Respondents

DECLARATION OF SERVICE UNDER SUPREME COURT RULE 29.5

I, Farid Shahrivar, declare as follows:

1. I am Applicant Farid Shahrivar, proceeding pro se.

2. On November 13, 2026, before mailing my filing to the Court, I served a true paper copy of the Application for a 60-Day Extension of Time to File a Petition for a Writ of Certiorari, including Exhibits A–C, on the counsel identified below. I deposited the envelope with the United States Postal Service, properly addressed, with postage prepaid, as required by Rule 29.3.

3. On November 13, 2026, I also emailed complete copies of those papers to thomas.gray@sanjoseca.gov, contemporaneously with filing and paper service.

Counsel served (representing all Respondents/Appellees):
Thomas John Gray
Office of the City Attorney, City of San José
200 E. Santa Clara Street, 16th Floor
San José, CA 95113
Telephone: (408) 535-1900 (City Attorney's Office)
Email: thomas.gray@sanjoseca.gov
Under penalty of perjury under the laws of the United States of America, I declare that the foregoing is true and correct.

Executed on November 13, 2026, at San Jose, California.

Signature: Farid Shahrivar

Farid Shahrivar, Applicant, Pro Se

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