

No. A \_\_\_\_\_

In The  
Supreme Court of the United States

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DR. USHA JAIN AND MANOHAR JAIN  
Petitioners,

v.

Donald Myers, Heather Higbee, John Kest, Kevin Weiss,  
Renee Roche, Mr. Wert and Mya Hatchette  
Respondents

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On Application for Extension of Time to File a Petition for Writ of Certiorari to the  
United States Court of Appeals for the Federal Circuit

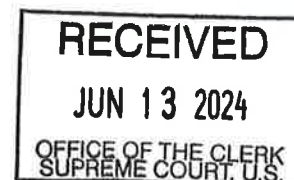
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**PETITION OF DR. USHA JAIN AND MANOHAR JAIN FOR AN EXTENSION  
OF ADDITIONAL TIME OF 30 DAYS WITHIN WHICH TO FILE A PETITION  
FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE ELEVENTH CIRCUIT**

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Date May 25, 2024



To the Honorable Clarence Thomas Justice for the United States Court of Appeals for the Federal Circuit:

Pursuant to Supreme Court Rule 13.5, *pro se* Petitioners Dr. Usha Jain and Manohar Jain, respectfully request an additional 30-day extension, beyond the previously granted extension until June 5, 2024, due to new developments significantly impacting our ability to prepare for the Supreme Court case. In support thereof, Petitioners state the following:

1. **Judgement to be Reviewed:** The judgement from which review is sought is Manohar Jain et. al. v. David Barker et.al, Case No. 2022- 12342, which was decided by the 11<sup>th</sup> Federal Circuit on January 4, 2024. A copy of that decision is attached as Appendix 1. Petitioners sought rehearing by the Federal Circuit, which was denied on February 6, 2024. A copy of the Federal Circuit's order denying rehearing is attached as Appendix 2

2. **Current Deadline:** The current deadline for filing a petition for writ of certiorari is June 5, 2024. This Application has been filed at least 10 days prior to that date pursuant to Supreme Court Rule 13.5. Petitioners were previously granted an extension of time of 30 days.

3. **Jurisdiction:** The jurisdiction of this Court is based on 28 U.S.C. §1254(1). This court has jurisdiction to hear the judgment of highest court of the state regarding the Federal Law and the Constitution of United States of America.

4. **National Significance:** This case is of national significance due to substantial and important questions regarding the violation of pro se litigants' First and Fourteenth Amendment rights:

- **Right to Petition for Redress:** The holding of our notice of appeal and

reconsideration motion for granting sanctions in the chamber for six months and subsequently declaring a default of pro se constitutes an obstruction of appeal process and violation of our First Amendment right to petition the government for a redress of grievances. The First Amendment guarantees individuals the right to seek remedies for perceived injustices through the legal system. The prolonged delay in processing our filings of notice of appeal (pro se were denied electronic filing even during stay at home order) and then defaulting effectively denied this fundamental right.

- **Equal Protection and Due Process:** The unequal treatment of our filings by holding the notice of appeal and reconsideration motion of granting sanction in chamber by the Judge Mendoza compared to other litigants' filing instantly by ECF System of the court represented by the counsel violates the Equal Protection Clause of the Fourteenth Amendment. All litigants whether represented by counsel or not, are entitled to equal protection under the law. The preferential treatment given to other filings over pro se Petitioners is a clear violation of this constitutional guarantee.

- **Chilling Effect and Access to Justice:** The actions of Judge Mendoza in holding the notice of appeal and reconsideration motion in the chamber for six months (making it untimely by the 11<sup>th</sup> Circuit) may have a chilling effect on other litigants seeking to exercise their First and Fourteenth Amendment rights. The threat of similar delays and denials of access to the courts could deter individuals

from seeking redress for grievances, undermining the principles of free speech and access to justice enshrined in the First Amendment.

**5. Reasons for Extension:**

A. **Continued Jurisdiction and Execution of Judgment:** This case is being continued in state court and federal court. The state court has continued its jurisdiction over the case by the endorsed remand order and not a formal written remand order required per Federal Statutes 28 USC § 1447 (c) and is proceeding with the execution of the judgment while the case is still in federal court and now in the US Supreme Court. This ongoing action directly impacts our ability to prepare the writ effectively, as the underlying issues remain in a state of flux.

B. **New Reason for Further Extension**

- **Mishandling and Overpayment of Bond Money:** There has been a mishandling and overpayment of bond money related to the judgment resulting from the invalid endorsed remand order from 2021. The bond money, which was entrusted for the judgment, was mishandled. Despite the satisfaction of the judgment on May 13, 2024, by the Clerk of the Court, Judge Ashton ordered disbursement from the bond money and instructed the Clerk to reverse the satisfaction of the judgment without any conference with the pro se parties, constituting a due process violation.

- **Overpayment Issue:** Additionally, Judge Ashton and attorney Wert mishandled the bond money by disbursing the wrong amount, exceeding the correct amount by over \$10,000.

- **Need for Additional Motions:** As a result of these errors, multiple motions need to be filed, including motions for recusal and for replenishing the bond due to overpayment.

These motions are crucial and need to be heard to rectify the situation.

This mishandling significantly impacted our ability to prepare adequately for the Supreme Court case within the extended timeline.

- **Jurisdictional Issues:** Moreover, these actions were taken without proper jurisdiction, as they were based on an endorsed remand order from February 19, 2021, which is not a valid remand order according to the precedent set by the U.S. Supreme Court and is in violation of Federal Statutes 28 USC § 1447 (c)

- **Impact on Preparation:** The mishandling of bond money and the subsequent legal actions required to address these issues have significantly impacted our ability to prepare adequately for the Supreme Court case within the extended timeline.

**6. Lack of Prejudice:**

Petitioners submit that the requested extension of time would neither prejudice the Respondent nor result in undue delay in the Court's consideration of the petition, and that good cause exists to grant the requested extension of 30 days.

Wherefore for the foregoing reasons, both undersigned petitioners, Dr. Usha Jain and Manohar Jain, respectfully request an additional 30-day extension to file the writ of certiorari, up to and including July 5, 2024. This extension is essential to ensure sufficient time to address all legal matters thoroughly and present a comprehensive case to the Supreme Court, ultimately serving the interests of justice.

Respectfully submitted on this day of May 25, 2024.

Handwritten signature of Usha Jain and Manohar Jain in cursive script.

Dr. Usha Jain and Manohar Jain *Pro Se*