

App No. TBD

IN THE UNITED STATES SUPREME COURT

TIMOTHY DASLER,
Petitioner,

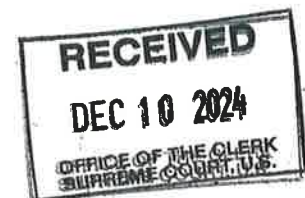
v.

JENNIFER KNAPP,
Respondent

On Application for an Extension of Time
to File Petition for a Writ of Certiorari to the
United States Court of Appeals from a
2nd Circuit Court Decision

PETITIONER'S APPLICATION TO EXTEND TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

Timothy Dasler, Pro Se
488 NH Rt 10 Apt D
Orford, NH 03777



STATEMENT OF SUBJECT MATTER AND APPELLATE JURISDICTION

To the Honorable Sonia Sotomayor, as Circuit Justice for the United States Court of Appeals for the Second Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Timothy Dasler respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended by 60 days, up to and including February 14, 2025.

The Second Circuit Court of Appeals Granted Summary Affirmance on July 12, 2024(Appendix A), and denied reconsideration on September 6, 2024 (Appendix B), with the Mandate issuing on September 16, 2024.

Absent an extension of time, the Petition for Writ of Certiorari would be due on December 16, 2024. This Court would have jurisdiction over the judgment under 28 U.S.C. § 1254(1).

Background

Grounds for Extension

Personal and Procedural Challenges:

Petitioner, a pro se litigant and single father with 50/50 visitation, has been balancing complex legal obligations in both Vermont Family Court and federal Civil litigation. He recently finalized a Petition for Writ of Certiorari in a related federal case, filed after a previously granted extension to November 22, 2024. Additionally, Petitioner suffers from a head injury that significantly slows his ability to process complex legal arguments, compounding the difficulty of managing multiple high-stakes legal filings in different jurisdictions simultaneously.

He has IFP status in Federal District, Circuit, and U.S. Supreme Court cases and cannot afford counsel

Substantial Questions of Federal Law Misinterpreted Below:

a. Improper Expansion of Abstention Doctrines:

The courts below misapplied abstention doctrines to dismiss Petitioner's claims, perpetuating a trend among lower courts to overextend doctrines such as Younger and Burford abstention into areas beyond their intended scope. The decision in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992), made clear that the Domestic Relations Exception does not apply to a tort case that arises in a domestic context, however, the circuit courts now just replace Exception with Abstention and continue to deny jurisdiction over the same sorts of cases.

The 2nd Circuit applied abstention inappropriately where;

1. No parallel state case had the same claims available
2. Preclusion did not apply to any of the claims
3. State remedies were inadequate
4. Federal Questions raised have already been addressed by state precedent, and their conclusions are clear violations of the Constitutional Rights of litigants
5. Petitioner has already been harmed by state court denial of basic Constitutional Rights, and seeks prospective relief to prevent future harm.

Inadequate Remedies:

Abstention is the exception, not the rule, and requires availability of adequate remedies at the state level. Petitioner established thoroughly that remedies are inadequate and without Federal intervention he risks further ex-parte suspensions of parental rights. State precedent supports ex-parte suspension with "no credible factual basis" can still prevent a fit parent from having contact with a child for at least 5 years after disproving the allegations. This egregious misapplication of law denies parents and children their fair day in court.

Failure to Assess Adequacy of State Remedies:

The lower courts failed to evaluate whether Vermont courts offer adequate remedies to address constitutional deprivations, as required under abstention doctrines. Indeed, the argument that adequate remedies must be available for abstention to apply was not even acknowledged by the District or Circuit Court.

b. Fourteenth Amendment Violations:

This case illustrates systemic failures in Vermont's state judicial processes, including the delegation of state authority to private actors (the Respondent and her collaborators), which deprived Petitioner of fundamental parental rights. These deprivations directly implicate the Due Process Clause and highlight the inadequacy of state court remedies to address constitutional violations.

State precedent has even delegated power over Parental Rights such that a private actor can choose to sever those rights without due process and withhold them for at least 5 years in spite of the parent proving their fitness as a parent. The Supreme Court of Vermont acknowledged that it would be Unconstitutional for them to withhold rights for this length of time, however, by letting a private actor(backed with state power) do it instead they did not find it to be a Constitutional violation because it was not the court's decision to deprive those rights. (See Knutsen v. Cegalis VT 2016 and 2017)

The Supreme Court of Vermont has also effectively abrogated the application of Standards of Evidence in the state by holding that no finding is error if evidence exists to support it. In other words, any evidence satisfies any standard of evidence, thus it is not error no matter how unreasonable it is in light of the record.

c. Broader National Significance:

The over-application of abstention doctrines has troubling implications for access to federal courts. By expanding abstention beyond its proper bounds, lower courts effectively shield state systems from federal oversight, even where constitutional rights are at stake. This trend

disproportionately affects vulnerable litigants, particularly in cases involving parental rights and domestic disputes, where state courts often fail to provide meaningful remedies.

Need for Thorough Petition to Address Complex Issues:

This case requires careful framing and presentation of these legal and constitutional questions to ensure that they receive proper consideration. The requested extension will allow Petitioner to prepare a well-reasoned petition that highlights both the legal errors committed below and the broader systemic issues that warrant this Court's review.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court extend the deadline for filing his Petition for Writ of Certiorari by 60 days, to and including February 14, 2025.

Respectfully submitted,



Timothy Dasler Date: 12/4/24
Pro Se
488 NH Rt 10 Apt D
Orford, NH 03777
Tel: 802-369-9993
Email: T_Dasler@Hotmail.Com

CERTIFICATE OF SERVICE

I hereby certify that on 12/4/24 I sent a copy of

(date)

Request for Extension of Time to file a Petition for Writ of Certiorari to

Barney Brannen, at

(Opposing Party or Attorney)

80 S Main Street Suite 101

Hanover, NH 03755,

(the last known address)

by US MAIL.

(state method of service)

12/4/24

Date

T. mek Dasher

Signature

D. Vt.
21-cv-135
Reiss, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 12th day of July, two thousand twenty-four.

Present:

Eunice C. Lee,
Myrna Pérez,
Sarah A. L. Merriam,
Circuit Judges.

Timothy P. Dasler,

Plaintiff-Appellant,

v.

23-33 (L),
23-7859 (Con)

Jennifer Knapp, FKA Jennifer Dasler,

Defendant-Appellee.

Appellee, through counsel, moves for summary affirmance or for this Court to dismiss as frivolous these two appeals and to impose sanctions against Appellant pursuant to Federal Rule of Appellate Procedure 38. Appellant, proceeding pro se, moves for leave to file an oversized brief and a supplemental appendix.

Upon due consideration, it is hereby ORDERED that Appellee's motion for summary affirmance is GRANTED because Appellant's appeals "lack[] an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); see also *United States v. Davis*, 598 F.3d 10, 13 (2d Cir. 2010) (holding that summary affirmance is available only if an appeal is truly frivolous).

It is further ORDERED that Appellant's motions are DENIED as moot and that Appellee's motion to impose sanctions is DENIED because Appellee did not present sufficient proof in this filing of bad faith. *See, e.g., In re 60 East 80th St. Equities, Inc.*, 218 F.3d 109, 119 (2d Cir. 2000).

This panel notes that Dasler's brief, opposition, and appendix contain the full first name of his minor child. Federal Rule of Appellate Procedure 25(a)(5), which incorporates Federal Rule of Civil Procedure 5.2, requires redaction of this information. Accordingly, the Clerk of the Court is directed to SEAL from public view documents 83, 90, and 106 on this Court's docket for 2d Cir. 23-33 and documents 36, 37, and 46 on this Court's docket for 2d Cir. 23-7859.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

The seal of the United States Court of Appeals for the Second Circuit is circular. It features the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. There are small stars on either side of the central text.

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of September, two thousand twenty-three.

Timothy P. Dasler,

Plaintiff - Appellant,

v.

Jennifer Knapp, FKA Jennifer Dasler,

Defendant - Appellee.

ORDER

Docket Nos: 23-33 (Lead)

23-7859 (Con)

Appellant, Timothy P. Dasler, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request as a motion for reconsideration, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the motion and petition are denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk