

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

In The Supreme Court of The United States

Christopher Hoskins  
*Applicant,*

v.

Perry Fuchs  
*Respondent,*

**APPLICATION TO EXTEND TIME TO  
FILE A PETITION FOR WRIT OF CERTIORARI**

**To the Honorable John G. Roberts Jr., Chief Justice of the United States  
Supreme Court:**

Applicant, Christopher Hoskins, respectfully requests a sixty-day extension of time to file a petition for writ of certiorari. The current deadline for Hoskins to file a petition is May 17, 2018, which is ninety days from February 16, 2018, the date the Supreme Court of Texas denied Hoskins's petition. This request, if granted, would extend the deadline from May 17, 2018 to July 16, 2018.

Applicant will be asking the Court to review the ruling of the Court of Appeals for The Second District of Texas's December 22, 2016 decision, which upheld the 153<sup>rd</sup> District Court of Tarrant County, Texas's denial of Hoskins's Motion to Dismiss Under Texas Civil Practice and Remedies Code Chapter 27. This application is being filed at least 10 days prior to the due date.

This Court has jurisdiction under 28 U.S.C. §§ 1253 & 1257. Attached are copies of the Supreme Court of Texas's petition denial and the dissenting and majority opinions of the 2<sup>nd</sup> Court of Appeals.

The facts of this case validly implicate the protections of the First Amendment of the United States Constitution and the immunity derived from absolutely privileged communications that coincide with the right of free speech, the right to petition, and the right of association. The question before the Court is whether the communication at issue is absolutely privileged under the First Amendment and thus immune from lawsuit.

The defamation action against Hoskins is based solely and entirely on a confidential complaint he filed with the University of Texas at Arlington's (UTA) office of Equal Opportunity Services (EOS). Hoskins's longtime girlfriend, a UTA graduate student, confessed to having an improper relationship with her mentor. Hoskins was heartbroken and suffered greatly after learning of the alleged improper relationship. Hoskins's sorrow was a direct result of the alleged relationship and was convinced that such a relationship between professor and student should be considered inappropriate due to its propensity to cause damage in the lives of third parties. Hoskins reviewed UTA's Policies, Rules and Code of Conduct and learned that such a relationship was in fact a violation. Moreover, UTA's rules encourage individuals to come forward if they have knowledge of a

violation or have suffered as a result of one. Hoskins felt he had the legal, moral, and social duty to approach UTA and convey the information that had been confessed to him. He followed the guidelines set forth by UTA and filed a confidential complaint at UTA's office of EOS with several witness affidavits attached. In the complaint, Hoskins revealed his knowledge of a professor's alleged violation of UTA's consensual relations policy, explained how he received the information, and admitted that he believed it was true. Respondent subsequently filed a defamation action against Hoskins based solely and entirely on the EOS complaint.

The communication at issue should be immune from lawsuit because it falls under the protection of absolute privilege. Absolutely privileged communications cannot constitute the basis of a civil action. *Reagan v. Guardian Life Ins. Co.*, 166 S.W.2d 909 at 912 (Tex. 1942). Absolute privilege extends to quasi-judicial proceedings and other limited instances in which the benefit of the communication to the general public outweighs the potential harm to an individual. *Bird v. W.C.W.*, 868 S.W.2d 767, 771 (Tex. 1994). Two elements must be satisfied for absolute privilege to apply: (1) the government entity must have the authority to investigate and decide the issue by exercising quasi-judicial power; and (2) the communication must relate to a pending or proposed quasi-judicial proceeding. *Perdue, Bracket, Flores, Utt & Burns v. Linebarger, Goggan, Blair, Sampson &*

*Meeks, L.L.P.*, 291 S.W.3d 448 at 452. When absolute privilege attaches to a communication, it functions as an immunity, not a defense. *Hurlbut v. Gulf Atl. Life Ins. Co.*, 749 S.W.2d 762, 768 (Tex. 1987).

Here, the pleadings and evidence establish that UTA is a governmental entity possessing the authority to investigate and decide the issue alleged in the EOS complaint. UTA did in fact conduct an investigation. Moreover, Hoskins's EOS complaint related to a quasi-judicial proceeding by UTA. As a matter of law, Hoskins's entire communication within the EOS complaint is absolutely privileged and should be immune from a civil defamation action.

The time to file a petition for writ of certiorari should be extended for the following reason:

1. Acquisition of New Counsel. Due to a miscommunication, Applicant recently became aware that a petition for a writ of certiorari was not being prepared to file in the Supreme Court of The United States. Applicant's counsel subsequently filed a motion to withdraw from the case. With such little time remaining, Applicant humbly files this application *pro se* to meet the strict deadline. Applicant needs the extension to hire new counsel and ensure a high quality petition.

Respectfully submitted,  
Christopher Hoskins  
*Pro se*  
(254) 477-3405  
4982 US HWY 183 South  
Breckenridge, Texas 76424

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of May 2018, I will mail the foregoing with the Clerk of Court and served on all parties:

Frank Hill  
1400 West Abram Street  
Arlington, Texas 76013

  
s/ Christopher Hoskins  
CHRISTOPHER HOSKINS