

No. 18-A-____

IN THE SUPREME COURT OF THE UNITED STATES

HUBERT THOMPSON,

Petitioner-Plaintiff,

v.

JAMES C. ROVELLA, Chief of Police, City of Hartford, In His Official Capacity; **ANTHONY KOZIERADZKI**; **LIAM PESCE**, Sergeant, City of Hartford, In His Individual and Official Capacities; **TUYEN BERGENHOLTZ**, Officer, City of Hartford, In Her Individual and Official Capacities; **CITY OF HARTFORD**,

Respondents,

JANE DOE/JOHN DOE, Supervisor, Crimes Against Persons Unit, City of Hartford, In Her/His Individual and Official Capacities; **JANE DOE(S)/JOHN DOE(S)**, Evidence Officer(s) (2003-2014), City of Hartford, In Their Individual Capacities,

Defendants.

**APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS FOR THE SECOND CIRCUIT**

Dennis P. Derrick
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Attorney for Petitioner Hubert Thompson

**TO THE HONORABLE RUTH BADER GINSBERG, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE SECOND CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a 60-day extension of time, up to and including December 15, 2018, to file a petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit to review that court's decision in *Thompson v. Rovella, et al.*, 734 Fed.Appx. 787 (2018) (2d Cir. 2018). (Attached as Exhibit A) Petitioner's petition for panel rehearing and hearing en banc was denied on July 18, 2018. (Attached as Exhibit B) The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), (attached as Exhibit C) and the time to file a petition for writ of certiorari without extension will expire on October 16, 2018. This application is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

1. Petitioner was released after nearly five years of incarceration (December 12, 2007 – March 12, 2012) for sexual assault crimes he did not commit. Conviction occurred after a bench trial. All charges against Thompson were dismissed on July 19, 2012.

2. The Office of the Attorney General provided notice to Petitioner on January 2, 2014, after receiving confirmation from the prosecuting authority, that Connecticut would not contest Petitioner's innocence in an administrative matter brought pursuant to § 54-102uu of the Connecticut General Statutes.

3. Petitioner filed a civil rights action in the Connecticut district court on November 25, 2015, pursuant to 42 U.S.C. § 1983 within three-years of notice of his actual innocence.

4. The district court and the Second Circuit held that Petitioner's cause of action accrued on July 19, 2012, in accordance with the three-year statute of limitations for tort actions in Connecticut.

5. This case presents a substantial and important question of federal law concerning equitable tolling of a statute of limitations for filing 42 U.S.C. § 1983 actions: Whether a reasonable person would be chilled from filing a civil rights action against officers during the pendency of a statutory wrongful incarceration proceeding when an admission of the trial prosecuting authority as to actual innocence as the grounds for dismissal could mean the difference between receiving compensation in a timely manner under the state's wrongful incarceration statute or bearing the burden of proving that innocence.

6. This important question was decided adverse to the Petitioner below.

7. Petitioner retained appellate counsel Rachel M. Baird two weeks ago to file a petition for writ of certiorari after remaining undecided after the July 18, 2018, denial of the petition for panel rehearing and hearing en banc. Appellate counsel is preparing an application for admission to the Court. Appellate counsel has represented petitioner in all aspects of the federal court proceedings since November 2015.

In accordance with the important issue of equitable tolling raised by Petitioner for wrongfully incarcerated persons and Petitioner's reliance through these federal court proceedings on counsel who is not admitted to the Court but is seeking admission, Petitioner respectfully requests that an Order enter extending the time to file a petition for writ of certiorari for 60 days, until December 15, 2018.

Dated: October 5, 2018

Respectfully Submitted,

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CERTIFICATE OF SERVICE

As required by Supreme Court Rule 29.5, I, Dennis P. Derrick, a member of the Supreme Court Bar, hereby certify that one copy of the attached Application was served on October 5, 2018, via electronic mail and by United Parcel Service on:

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