

No. 19A

IN THE SUPREME COURT OF THE UNITED STATES

JonMichael Guy,
Applicant,

v.

Wyoming Department of Corrections, by and through Robert O. Lampert,
individually and in his official capacity as Director of the Wyoming
Department of Corrections; Julie Tennant-Caine, individually and in her
official capacity as a Deputy Administrator of the Wyoming Department of
Corrections; and the State of Wyoming,
Respondent.

JonMichael Guy,
Applicant,

v.

Robert O. Lampert, individually and in his official capacity as Director of the
Wyoming Department of Corrections; Julie Tennant-Caine, individually and in her
official capacity as a Deputy Administrator of the Wyoming Department of
Corrections; Wyoming Department of Corrections, by and through Robert O.
Lampert; and the State of Wyoming,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

AMIR H. ALI
Counsel of Record
RODERICK & SOLANGE
MACARTHUR JUSTICE CENTER
777 6th Street NW, 11th Floor
Washington, DC 20001
(202) 869-3434
amir.ali@macarthurjustice.org

Attorney for Applicant
JonMichael Guy

September 18, 2019

IN THE SUPREME COURT OF THE UNITED STATES

JonMichael Guy,
Applicant,

v.

Wyoming Department of Corrections, by and through Robert O. Lampert,
individually and in his official capacity as Director of the Wyoming
Department of Corrections; Julie Tennant-Caine, individually and in her
official capacity as a Deputy Administrator of the Wyoming Department of
Corrections; and the State of Wyoming,
Respondent.

JonMichael Guy,
Applicant,

v.

Robert O. Lampert, individually and in his official capacity as Director of the
Wyoming Department of Corrections; Julie Tennant-Caine, individually and in her
official capacity as a Deputy Administrator of the Wyoming Department of
Corrections; Wyoming Department of Corrections, by and through Robert O.
Lampert; and the State of Wyoming,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of
the United States and Circuit Justice for the Tenth Circuit:

Pursuant to this Court's Rules 13.5, 22, and 30.3, Applicant JonMichael Guy
requests a 60-day extension of time to file a petition for a writ of certiorari to review
the judgment of the Wyoming Supreme Court in this case, to December 6, 2019.

As discussed herein, this case involves an exceptionally important question of
federal constitutional law relating to the right to practice one's religion while
incarcerated, particularly when that religion is not a dominant one in our society.

Applicant requests this extension because he only recently retained Counsel of Record, Amir H. Ali, to represent him *pro bono* before this Court. Mr. Ali has several substantial briefing deadlines and oral argument during the relevant period, and requires additional time to research the factual record and to conduct the level of analysis that aids this Court in determining whether to grant certiorari.

In support of this request, Applicant states as follows:

1. The Wyoming Supreme Court issued its opinion on July 9, 2019. *See Guy v. Wyoming Dep't of Corr. by & through Lampert*, 444 P.3d 652 (Wyo. 2019) (attached hereto at Attachment A). The time for filing a petition would thus expire on October 7, 2019, absent an extension. Consistent with Rule 13.5, this application has been filed at least 10 days before that date. This Court has jurisdiction over the case under 28 U.S.C. § 1257(a).

2. This case concerns an exceptionally important constitutional issue, including whether a prisoner who has established religious discrimination in violation of the First Amendment under 42 U.S.C. §1983 is entitled to damages irrespective of the religion he practices, or only if his religion is popular or has been previously blessed by this Court.

3. Applicant filed this state court action alleging that Respondents engaged in religious discrimination by refusing to afford him and other prisoners who practice the Humanist religion various privileges afforded to other religions. After Applicant filed suit, Respondents changed their policy to afford privileges to Humanist prisoners.

4. In the decision below, the Wyoming Supreme Court assumed that Respondents' past discrimination violated the First Amendment. In several federal courts of appeal, that would have been enough: the sincerity of Applicant's religious beliefs was never questioned, and it has been clearly established for decades that government officials cannot favor some religions over others. But the Wyoming Supreme Court required adopted a more stringent rule that categorically disfavors prisoners of minority religions. The court held that under qualified immunity, a prisoner must show that this Court's judicial opinions have "clearly established" that *his particular religion* cannot be disfavored.

5. Applicant intends to file a petition for certiorari asking this Court to resolve the conflict over this important question of federal law. Applicant requests additional time to file the petition because he only just retained Amir H. Ali to represent him *pro bono* before this Court. Because counsel is new to the case, he requires additional time to gather the relevant record materials for the state court proceedings in this case and to undertake the research and analysis that aids this Court in determining whether to add a case to its merits docket.

6. Counsel has a pre-planned vacation during the week of October 7, 2019.

7. Additionally, during the period of the sought extension, counsel has several substantial briefing deadlines and oral argument. These include:

- Oral argument in the U.S. Court of Appeals for the Tenth Circuit in *Smart v. Chaffee*, No. 18-3242, scheduled for September 23, 2019;
- A petition for certiorari in this Court from the Supreme Court of Washington's decision in *Morgan v. Washington*, No. 19A119, due October 13, 2019;

- A petition for certiorari in this Court from the Supreme Court of Pennsylvania's decision in *Commonwealth v. Shaffer*, No. 19A224, due October 16, 2019;
 - A reply brief in the U.S. Court of Appeals for the Second Circuit in *Thompson v. Clark*, No. 19-580, due November 11, 2019;
8. Applicant has not previously sought an extension of time from this Court.
9. For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended to and including December 6, 2019.

Respectfully submitted,



AMIR H. ALI
Counsel of Record
RODERICK & SOLANGE
MACARTHUR JUSTICE CENTER
777 6th Street NW, 11th Floor
Washington, DC 20001
(202) 869-3434
amir.ali@macarthurjustice.org

Attorney for Applicant
JonMichael Guy

September 18, 2019