

No. _____

IN THE SUPREME COURT OF THE UNITED STATES.

MICHELLE ALCORN,

Petitioner,

v.

TOWN OF LABARGE WYOMING,
A Wyoming Municipality, and
JAY HARRISON, an individual,

Respondents.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE TENTH CIRCUIT.**

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

Petitioner, Michelle Alcorn, requests an extension of time of sixty (60) days to file her petition for Writ of Certiorari. Sup. Ct. Rule 13.5. the request is timely made. The Circuit Court's Order and Judgment was entered on August 29th, 2019, and the Order Denying Petition for Rehearing was denied on September 24, 2019. The date when the application for a Writ of Certiorari will expire is December 23, 2019. This application is submitted more than ten (10) days before the due date. For good cause,

the applicant asks that the deadline be extended by sixty (60) days so that the new deadline would be February 21, 2020.

A copy of the opinion of the United States Court of Appeals for the Tenth Circuit and a Copy of the Order Denying Rehearing are attached.

Jurisdiction.

The Supreme Court has jurisdiction of this matter pursuant to 28 U.S.C.S. § 13.5 Justice Sotomayor, as Circuit Justice for the Tenth Circuit Court of Appeals, has jurisdiction to consider this application for an extension of time to submit a Petition for a Writ of Certiorari.

Background

As a result of her alleged wrongful termination, a peace officer of a Wyoming municipality sued for damages in Federal Court alleging deprivation of her constitutional liberty and property interests without due process of law pursuant to the 42 U.S.C. §1983 of the United States Code as well as state actions for defamation of character and wrongful termination. The defendant municipality sought and was granted summary judgment against the non-moving plaintiff. A panel of The Tenth Circuit Court of Appeals for the Tenth Circuit affirmed.

Order of the Tenth Circuit.

The Order affirming the district court said the defamation was published only to a peace officer certification agency of state government which, without statutory authority, allows the defamation to be cloaked with a privilege, immunizing the municipality against liability and vitiating a cause of action for deprivation of constitutionally protected liberty interest. No other circuit has so ruled.

This is contrary to long held precedent of this court. "[C]onduct by persons acting under color of state law which is wrongful under 42 U.S.C. § 1983 . . . cannot be immunized by state law." *Martinez v. State of California*, 444 U.S. 277, 284 n.8, 100 S. Ct. 553, 62 L. Ed. 2d 481 (1980).

Good Cause.

Good cause exists for the extension of time in this matter. This matter concerns the constitutional protections afforded to persons under the Fourteenth Amendment to the Constitution of the United States stemming from a summary termination of employment of a peace officer for defamatory reasons without a hearing which was published to a central clearing register of certified police officers. To seek relief in the United States Supreme Court by Petition for Writ of Certiorari, the petitioner is endeavoring to accumulate sufficient resources to meet the financial requirements of such a Petition.

Additional time is needed. This is the first request for extension.

Respectfully Submitted,

By: _____
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Dated: December 9, 2019

CERTIFICATE OF SERVICE

This is to certify that on the 6th day of December 2019, the undersigned served the foregoing Petition for Extension of Time upon counsel by depositing a true and correct copy thereof in the United States mail, postage prepaid properly addressed to:

John BOWERS
P.O. Box 1550
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S/_____
Bernard Q. Phelan