

No. _____

**In The
Supreme Court of the United States**

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**CASONDRA POLLREIS, ON BEHALF OF HERSELF AND HER MINOR
CHILDREN, W.Y. AND S.Y.,**

Applicant,

v.

LAMONT MARZOLF,

Respondent.

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**APPLICATION TO THE HONORABLE BRETT KAVANAUGH
FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE EIGHTH CIRCUIT**

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In accordance with Rule 13(5) of the Rules of the Supreme Court, Casondra Pollreis, on behalf of herself and her minor children, applies for an extension of time of 30 days, to and including Tuesday, December 14, 2021, to file a petition for a writ of certiorari to review an August 16, 2021 decision of the Eighth Circuit. The decision is attached as Exhibit 1. The petition is currently due on November 14, 2021. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

Judgment Sought to Be Reviewed

This case principally concerns the parameters of the *Terry*-stop exception to the Fourth Amendment's probable-cause requirement. Applicant Casondra Pollreis

(Cassi) filed claims on behalf of herself and her two minor children against Springdale, Arkansas, Police Officer Lamont Marzolf. As relevant to this petition, the officer—who was searching for two people who were fleeing from police—seized Cassi’s 12- and 14-year-old sons at gunpoint and restrained them in handcuffs. The boys had been calmly walking home from their grandparents’ house, were not out of breath, fully complied with the officer’s commands, and were identified by their parents.

The district court denied the officer qualified immunity on most of the claims brought on the boys’ behalf, and the officer filed an interlocutory appeal. A divided Eighth Circuit panel reversed. The majority reasoned that the entire encounter between the officer and the boys fell within the *Terry*-stop exception to the Fourth Amendment requirement that seizures be supported by probable cause. The majority also concluded that Officer Marzolf’s threatened use of a firearm was not excessive in the circumstances. For this reason, the majority concluded, the boys’ Fourth Amendment rights were not violated.

Judge Kelly dissented. She disagreed that the *Terry*-stop exception spanned the entire encounter. Instead, Judge Kelly believed the stop became an unconstitutional arrest when the officer handcuffed the boys without probable cause. She also would have held that the officer’s threatened use of a firearm became excessive after the officer should have realized that the boys were neither threatening nor resisting. For these reasons, Judge Kelly concluded, the officer did violate the boys’ Fourth Amendment rights.

Reasons Why an Extension of Time Is Warranted

On September 20, Applicant retained new, *pro bono* representation for the purposes of filing a petition for certiorari. This new counsel was not previously involved in litigating this case, and they require additional time to familiarize themselves with the trial and appellate records and to prepare the petition.

Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 30 days to and including December 14, 2021.

Dated this 4th day of October, 2021.

Respectfully submitted,



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