

No. 22A\_\_

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

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MICHELLE CHAPMAN,  
*Applicant,*  
v.

JANE DOE, BY NEXT FRIEND ANTHONY E. ROTHERT,  
*Respondent.*

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*Application for Extension of Time to File a Petition for  
Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit*

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**APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH  
REQUESTING AN EXTENSION OF TIME TO FILE A PETITION FOR A  
WRIT OF CERTIORARI PURSUANT TO RULE 13**

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, Applicant and Petitioner Michelle Chapman prays for a 30-day extension of time to file her petition for certiorari in this Court up to and including September 30, 2022. The final judgment of the Eighth Circuit was entered on April 7, 2022. Petitioner timely filed a petition for rehearing and rehearing en banc that was denied on June 2, 2022. The time to file a petition for a writ of certiorari in this Court expires on August 31, 2022. This application is filed more than ten days before that date.

Copies of the majority and dissenting opinions and the order denying the petition for rehearing and rehearing en banc are attached to this Application. The jurisdiction of this Court is properly invoked under 28 U.S.C. § 1254(1).

As shown by the Eighth Circuit's opinion, this case involves a suit under 42 U.S.C. § 1983 alleging that a state circuit court clerk violated the rights of a minor seeking a judicial bypass to authorize an abortion by interpreting Missouri's statutes as requiring her to provide notice of the judicial bypass hearing to the minor's parents. The district court and the Eighth Circuit denied Petitioner's defenses of qualified immunity and quasi-judicial immunity. Judge Stras dissented from the panel opinion concluding that quasi-judicial immunity applies because a particular statement by a state court judge could not be admitted as "habit" evidence. The case presents important questions under the Constitution and laws of the United States, as well as the proper scope of the Missouri statutes, that were determined adversely to the Petitioner.

Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. Counsel that had previously been handling this case left the Missouri Attorney General's Office shortly before the petition for rehearing en banc was denied, and undersigned counsel entered on July 18, 2022. Doc. 139, *Doe v. Chapman*, 2:19-cv-25-CDP (E.D. Mo.). Undersigned counsel requests additional time to gain familiarity with the trial and appellate records to properly prepare the petition. There is also a press of business on a number of other matters between now and the end of August:

- Ongoing preliminary injunction litigation including expedited discovery with numerous defendants and third-parties in *Missouri and Louisiana v. Biden, et al.*, 3:22-cv-1213, in the Western District of Louisiana. *See id.*, Docs. 36 (setting out expedited discovery timeline), 37.
- Ongoing preliminary injunction and motion to dismiss litigation in *Stock v. Gray, et al.*, No. 2:22-cv-4104, in the Western District of Missouri.
- Initial stages of litigation related to the 2022 election, *Faatz v. Ashcroft, et al.*, in the Circuit Court for Cole County, Missouri, No. 22AC-CC3185.
- Ongoing litigation including an Answer due on Friday, August 19, 2022, in *City of St. Louis, et al. v. Missouri, et al.*, in the Circuit Court for Cole County, Missouri, No. 21AC-CC-237.
- Certain discovery deadlines at the end of the month for *City of Overland v. Missouri*, in the Circuit Court for Cole County, Missouri, No. 21AC-326.

This Applicant's first request for an extension of time, and Respondent's counsel has consented to the relief sought by this Application.

### **CONCLUSION**

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 30 days up to and including Friday, September 30, 2022.

August 15, 2022

Respectfully submitted,

*s/ Jeff P. Johnson*

Jeff P. Johnson

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