

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BRIAN JOHNSON,

Petitioner,

v.

MIKE DOBBINS, Et al.,

Respondent.

On Application for an Extension of Time to
File Petition for a Writ of Certiorari from the
United States Court of Appeals for the Sixth Circuit

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR A WRIT OF CERTIORARI**

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FILE A PETITION FOR A WRIT OF CERTIORARI**

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

Petitioner, Brian Johnson, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from February 6, 2023 until April 7, 2023, a period of sixty (60) days. This Court has jurisdiction under 28 U.S.C. §1257.

Background

Brian Johnson was imprisoned at the Williamson County (Tennessee) jail for non-violent, drug-related offenses. He arrived at the jail wearing a soft wrist brace, related to a childhood injury. After examining Mr. Johnson, jail officials deemed the brace to pose safety and security risks. No alternatives were offered to him. So, to allow Mr. Johnson to retain the brace, the officials classified him as a medical separation inmate; then, officials housed Mr. Johnson in solitary confinement, a single-man cell, for 23-24 hours per day for more than 17 months.

Mr. Johnson was released after more than 17 months in jail. Upon his release, he sued various jail officers and administrators, raising seven different claims for relief. Primarily, Johnson alleged that prison officials violated the Eighth and Fourteenth Amendments, the ADA, and state law by subjecting him to solitary confinement because of his disability. The district court granted summary judgment against Mr. Johnson. He appealed to the Sixth Circuit.

Reasons for Granting an Extension of Time

1. Mr. Johnson's case raises important questions regarding solitary confinement of disabled prisoners.

2. Mr. Johnson now seeks a writ of certiorari regarding the decision of the United States Court of Appeals for the Sixth Circuit. This Court's jurisdiction to grant the same arises pursuant to 28 U.S. C. § 1254 (1).

3. According to Supreme Court Rule 13.3, a petition for writ of certiorari is due on or before February 6, 2023. See Supreme Court Rule 13.3 ("the time to file the petition for a writ of certiorari . . . runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment"). However, the time granted by Supreme Court Rule 13 will be insufficient to allow Petitioner's counsel to do justice to the issues at hand, which are of vast import. Therefore, Petitioner seeks an extension of sixty (60) days in which to file his petition for a writ of certiorari. See Supreme Court Rule 13.5 ("[A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days").

4. In accordance with Supreme Court Rule 13.5, this Application is submitted at least ten (10) days prior to the present due date. Further, the requested extension is made in good faith and not for the purposes of delay. Indeed, the requested extension is made because of the vital importance associated with the

issues at hand: Being detained and housed for over a year in solitary confinement because of having to wear a soft arm brace due to a childhood injury. It is respectfully submitted that counsel's duty to present all authorized claims of constitutional error with care is of great import. Thus, it is critically essential that counsel be granted additional time to prepare Mr. Johnson's petition with the care demanded of such cases.

5. The undersigned counsel has had significant health issues throughout the past year and has not been able to recover to full strength like he originally planned. Counsel has been dealing with eyesight issues and has thus been unable to work in general, specifically responding to several summary judgment motions, Daubert motions, opening appellant's briefs, etc. In addition, Counsel has contracted COVID-19 four times in the past eight (8) months.

6. The undersigned Counsel is unable to move this matter forward. Mr. Johnson will need to obtain new counsel for this matter. In light of needing to obtain new counsel, Mr. Johnson is seeking a sixty (60) day extension to ensure that new counsel has time to review the file in its entirety.

Wherefore, in the interest of justice and for good cause shown, counsel for Mr. Johnson respectfully request that this Court extend the current deadline of February 6, 2023, until April 7, 2023.

Respectfully submitted this 27th day of January 2023.

/s/ MARIO B. WILLIAMS

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