

In the Supreme Court of the United States

AKIEL MCKNIGHT,

Petitioner,

v.

THE PICKENS POLICE DEPARTMENT; THE CITY OF PICKENS;
TRAVIS RIGGS; DENNIS HARMON,

Respondents.

On Application for Extension of Time to File Petition for Writ of Certiorari and
Appendix to the United States Supreme Court

**APPLICATION FOR EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

**JOSHUA T. HAWKINS
HELENA L. JEDZINIAK**
Counsel of Record
Hawkins & Jedziniak, LLC
1225 South Church Street
Greenville, SC 29605
864-275-8142
josh@hjllesc.com
helena@hjllesc.com

Counsel for Petitioner

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

To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant Akiel McKnight respectfully requests a 45-day extension of time, to and including June 1, 2023. This Court has jurisdiction under 28 U.S.C § 1257. In support of this Application, Mr. McKnight states as follows:

1. Mr. McKnight was fired, in part at a minimum, from his job as a Pickens City police officer because he is bisexual. McKnight filed suit under Title VII of the Civil Rights Act of 1964, and his case was dismissed on a summary judgment motion. The Fourth Circuit affirmed the judgment in an unpublished *per curiam* opinion, with the mandate entered on December 16, 2022. An order denying the motion for *en banc* review and rehearing was entered on January 17, 2023.

2. Mr. McKnight's case raises important questions regarding this Court's recent extension of Title VII protection in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2020). Mr. McKnight seeks the Court's review of this matter because the rulings of the Courts below seem to be at odds with *Bostock*, which extends protection to employees against discrimination and termination based upon sexual orientation.

3. Mr. McKnight's case likewise raises important issues and questions on

the constitutionality of granting summary judgment, which denies litigants their Seventh Amendment right to a jury trial, in cases where an inordinate amount of evidence is submitted to support a claim. In this case, Mr. McKnight submitted entire deposition transcripts to rebut a summary judgment motion. These transcripts contain sworn testimony that 1) the City of Pickens allowed other officers to carry on heterosexual relationships and affairs with similarly situated comparators and fired Mr. McKnight due to a homosexual relationship and 2) Mr. McKnight's sexual orientation played a role in his termination.

4. Mr. McKnight now seeks a writ of certiorari for the Supreme Court of the United States with respect to the Fourth Circuit Court of Appeal's decision affirming the district court. This Court's jurisdiction to grant the same arises pursuant to 28 U.S.C. § 1254(1). Mr. McKnight's petition for writ of certiorari is currently due in this Court 90 days after the Fourth Circuit's decision and order dated January 17, 2023, or on April 17, 2022.

5. According to Supreme Court Rule 13.1, Mr. McKnight's petition for writ of certiorari is due on or before April 17, 2023. *See* Supreme Court Rule 13. ("a petition for writ of certiorari to review a judgment in any case is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment.) However, the time granted by Supreme Court Rule 13 will be insufficient to allow Petitioner's counsel to do justice to the important issues at hand. Therefore,

Petitioner seeks an extension of forty-five (45) days in which to file his petition for a writ of certiorari and appendix. *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”).

6. 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 – the right to a jury trial as well as Title VII protection pursuant to *Bostock*. It is respectfully submitted that it is counsel’s duty to present all authorized claims of constitutional error with care and consider them with equal importance. Thus, it is key that counsel be granted additional time to prepare Mr. McKnight’s petition with the care demanded of such cases.

7. Although counsel has spent much time working on the petition already, other obligations have precluded counsel from being able to complete and prepare for binding the petition and appendix. Such obligations include preparation of an appellate brief for the Fourth Circuit, multiple lawsuits involving civil rights litigation that are currently pending in South Carolina district court, and several cases which are now up for trial in South Carolina state court. Therefore, in light of counsel’s current obligations and the importance of the constitutional issues that will