

No.

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SUPREME COURT OF THE UNITED STATES

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Seneca Lovett Engel

*Petitioner*

v.

Derek Engel; Miller Police Department; City of Miller, South Dakota; Jim Henson, Miller Police Department, officially and individually; Shannon Speck, Miller Police Department, officially and individually; Various John and Jane Does, Miller Police Department, officially and individually

*Respondents*

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

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

TO: BRETT M. KAVANAUGH, ASSOCIATE JUSTICE

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Tucker J. Volesky  
356 Dakota Ave. S.  
Huron, SD 57350  
(605) 352-2126  
tucker.volesky@tuckervoleskylaw.com

Counsel for Petitioner Seneca Lovett Engel

Petitioner Seneca Lovett Engel respectfully requests an extension in time of sixty (60) days to file a petition for writ of certiorari.

The Eighth Circuit Court of Appeals entered Judgment on April 11, 2023. Order denying petition for rehearing en banc and panel hearing was entered on May 18, 2023.

The petitioner seeks review of the judgment of the circuit court affirming the judgment of the district court in this cause.

Attached is copy of the opinion of the circuit court. The order denying the petition for rehearing en banc and panel rehearing is also attached.

An extension of time to file a petition for writ of certiorari is justified for the following reasons:

1. The deadline to file a petition for certiorari is August 16, 2023.
2. Counsel for the petitioner will be in a jury trial that is scheduled for five days commencing August 14, 2023.
3. Counsel is preparing for trial and will be in the middle of trial on the filing deadline.

Dated: August 16, 2023.

Respectfully submitted,

/s/ Tucker J. Volesky  
Tucker J. Volesky  
tucker.volesky@tuckervoleskylaw.com

Counsel for Petitioner Seneca Lovett Engel

**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2023, I filed the foregoing “Petitioner’s Application to Extend Time to File a Petition for Writ of Certiorari” with the Clerk of Court for the United States Supreme Court and served the document on counsel for all parties as listed below, through the United States Postal Service by first-class mail, postage prepaid:

Alex M. Hagen  
200 East 10<sup>th</sup> Street, Suite 200  
Sioux Falls, South Dakota 57104  
(605) 336-0828  
*Counsel for Derek Engel*

Lisa Hansen-Marso  
Nicolas Ramos  
300 S. Main Ave., P.O Box 5015  
Sioux Falls, South Dakota 57117  
(605) 336-2424  
*Counsel for Miller Police Department; City of Miller, South Dakota; Jim Henson; Shannon Speck; John and Jane Does of the Miller Police Department*

/s/ Tucker J. Volesky  
Counsel for Petitioner

United States Court of Appeals  
For the Eighth Circuit

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No. 22-2549

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Seneca Lovett Engel

*Plaintiff - Appellant*

v.

Derek Engel; Miller Police Department; City of Miller, South Dakota; Jim Henson, Miller Police Department, officially and individually; Shannon Speck, Miller Police Department, officially and individually; Various John and Jane Does, Miller Police Department, officially and individually

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of South Dakota - Central

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Submitted: March 23, 2023  
Filed: April 11, 2023  
[Unpublished]

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Before BENTON, SHEPHERD, and ERICKSON, Circuit Judges.

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PER CURIAM.

South Dakota resident Seneca Lovett Engel appeals the district court's<sup>1</sup> dismissal of her pro se complaint for failure to state a claim. After careful de novo review, see Levy v. Ohl, 477 F.3d 988, 991 (8th Cir. 2007) (standard of review), we find no basis for reversal. Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 22-2549

Seneca Lovett Engel

Appellant

v.

Derek Engel, et al.

Appellees

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Appeal from U.S. District Court for the District of South Dakota - Central  
(3:21-cv-03020-RAL)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

May 18, 2023

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans