

No. \_\_\_\_\_

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

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ALLESSANDRA NICOLE ROGERS,

*Petitioner,*

v.

STANTON RIGGS, CLAY CORN, DINA HOLCOMB, DANIEL ORNELAS,

SUSAN GOLDSTROM, In Their Individual Capacities,

AND CHAVES COUNTY,

*Respondent.*

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**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR A  
WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF  
APPEALS FOR TENTH CIRCUIT**

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**To the Honorable Justice Neil Gorsuch**, Associate Justice of the United States Supreme Court and Circuit Justice for the Tenth Circuit:

Petitioner Alessandra Nicole Rogers requests an extension of time to file her Petition for a Writ of Certiorari. Petitioner requests a forty-five (45) day extension of time from November 2, 2023 to December 18, 2023<sup>1</sup>. The order of the Tenth Circuit which is being appealed was entered June 27, 2023, and the Petition for Rehearing for that order was denied on August 4, 2023. Both

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<sup>1</sup> Pursuant to Supreme Court Rule 30.1, one day was added to this calculation to move the due date from Sunday, December 17, 2023, to the “next day that is not a Saturday, Sunday, federal legal holiday, or day on which the Court building is closed,” namely, Monday, December 18, 2023.

are enclosed herein. Jurisdiction of this Court to review the order and judgment of the Tenth Circuit is being invoked pursuant to 28 U.S.C. § 1254(1).

The Petition for a Writ of Certiorari intends to address an important constitutional question regarding the application of First Amendment protection to forty five (45) current and former public employees who circulated, signed, and delivered a written petition to their elected officials regarding multiple serious issues at the county correctional facility that did or had employed them. The critical question requiring this Court's review is whether the Tenth Circuit's application of the *Garcetti/Pickering* test to analyze this group's concerted speech to elected officials was appropriate in light of this Court's decisions in *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448, 2472-73 (2018) and *United States v. Nat'l Treasury Emples. Union*, 513 U.S. 454, 466-67, 115 S. Ct. 1003, 1013 (1995) which hold that *Garcetti/Pickering* was not intended for use in analyzing group speech under the First Amendment. *Janus* specifically recognizes that group speech substantially enlarges the category of speech which is a matter of public concern, and substantially shrinks that which would be considered a matter of only private concern.

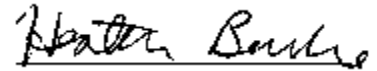
Additionally, this Petition intends to address whether a Party can be properly "put on notice" to prospectively argue defenses to issues not raised by the movant on summary judgment, merely because a legal test was mentioned in a previous Court order. This holding threatens to make the non-movant's burden in responding to summary judgment nearly impossible as it requires them to guess any possible arguments that might be raised *sua sponte* by the Court, even when they aren't raised by the moving party.

Petitioner seeks an extension of time to file her Writ of Certiorari because the death of undersigned counsel's mother during the running of Petitioner's time to file her Petition has

resulted in unexpected time out of the office, and thus an extension is needed in order to complete the briefing of this petition. Petitioner seeks the extension so that her counsel has sufficient time to fully brief and to file her Petition for a Writ of Certiorari.

Wherefore, in the interest of justice and for good cause shown, Ms. Rogers respectfully requests that this Court extend the current November 2, 2023 deadline until December 18, 2023.

Respectfully Submitted.

A handwritten signature in black ink that reads "Heather Burke". The signature is written in a cursive style and is positioned above the printed name.

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