

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LATAUSHA SIMMONS, Plaintiff-Appellant-Petitioner

v.

CITY OF DETROIT, MI; DETROIT, MI POLICE DEPARTMENT;
JAMES CRAIG, Police Chief; JOHN DOES, UNKNOWN City of Detroit Police Officers,
Defendants-Appellees-Respondents

Originating Case No. 22-2052 in the Sixth Circuit Court of Appeals

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable John Roberts, Chief Justice of the United States Supreme Court and Circuit Justice to the Sixth Circuit:

1. Plaintiff-Appellant-Petitioner, LaTausha Simmons, proceeds *in forma pauperis* and pursuant to Rule 13(5), 22, 30., and 30.3 Rules of the Supreme Court, respectfully seeks and timely had sought and an extension of time within which to file her petition for writ of certiorari in this Court from the denial of rehearing by the Sixth Circuit Court of Appeals in case no. 22-2052. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). This application is and was submitted more than ten (10) days prior to the scheduled filing date for the Petition. See S. Ct. R. 13.5. Plaintiff-Appellant -Petitioner, received no response from Appellees-Respondents on her request. However, it has taken over **3 weeks to a month** for this Supreme Court Clerk's Office to respond to Plaintiff-Appellant-Petitioner motion, moreover returned Petitioner's motion due to a defect, (case number not listed on motion).

2. Therefore, again Plaintiff-Appellant-Petitioner, LaTausha Simmons, proceeds *in forma pauperis*, factoring in the time for mailing and receiving a response from this Court, respectfully a sixty (60) to ninety (90) day extension of time within which to file her petition for writ of certiorari in this Court from the denial of rehearing by the Sixth Circuit Court of Appeals in case no. 22-2052. This application is submitted more than ten (10) days prior to the scheduled filing date for the Petition. See S. Ct. R. 13.5.

The pertinent dates are:

a: September 11, 2023, Issuance of written mandate denying rehearing *en banc*. A copy of the order is attached hereto as Exhibit A

b: September 1, 2023, denial of rehearing denial of rehearing by the Sixth Circuit Court of Appeals A copy of the order is attached hereto as Exhibit B

c: August 17, 2023, issuance of written order affirming denial of reinstatement of civil action (a federal action filed for violations of constitutional rights) dismissal of civil action for a dispute over deposition date and inability to afford zoom technology, a violation of First Amendment Rights and Fourteenth Amendment Rights.

3. This case involves the denial of Appellant-Plaintiff's who is indigent and similarly situated indigent individual(s)' First Amendment Rights to Free Speech under the United States Constitution, concerning the constitutional rights to an in-person deposition, which Appellant was denied, but instead had a requirement forced upon and/or imposed to acquire Zoom technology for a deposition. In which, indigent individual(s) could not ascertain nor afford nor access. As a result, the unlawful penalizing of indigent individuals with a dismissal of a federal civil action, for being too poor to afford computer technology and/or access to computer technology, and/or being penalized for unlawfully imprisonment at the time a deposition was scheduled without notice and therefore unable to attend.

4. As such, this is a denial of Freedom of Speech under the First Amendment and Equal Protections to the Laws under the Fourteenth Amendment to the United States Constitution, as to all indigent individuals and is Public Interest that Requires Expeditious Determination. Wherein, indigent individuals cannot not be denied due process in pursuing a Section 1983 action for the violations of their federal constitutional rights, for being indigent and not being able to access or afford computer technology.

5. A plaintiff must be afforded plaintiff opportunity to be heard on question whether the failure to appear at scheduled deposition was willful or in bad faith.) *Trupei v. City of Lighthouse Point*, 506 so. 2d 19 (Fla. 4th D.C.A. 1987).

6. Plaintiff-Appellant-Petitioner suffers from health issues, including but not limited to carpal tunnels in both wrists and other injuries, caused by excessive force from law enforcement. As a result, has caused delays and difficulties in drafting of her pleadings. Thus, she firmly believes these are compelling reasons to justify an extension of time is warranted.

7. As such, this case also involves, the exceptional public importance, *i.e.* nationwide police brutality with the use of excessive force, which is a violation of the Fourth Amendment to the U.S. Constitution. The right to be free from excessive force is a clearly established Fourth Amendment right." *Id.* at 554–55 (citing *Neague v. Cunkar*, 258 F.3d 504, 507 (6th Cir. 2011)).

8. An extension will not cause prejudice to Respondents.

9. This Supreme Court's letter dated October 31, 2023, postmarked November 1, 2023, was received by Petitioner-Plaintiff on November 8, 2023. Therefore, this motion for an extension of time is being resubmitted by U.S. certified mail on November 9, 2023.

For the foregoing reasons, the Plaintiff-Appellant-Petitioner, who is indigent, respectfully prays that this Court grant an extension of sixty (60) to ninety (90) days and including January 8, 2024, within which to file his petition for writ of certiorari.

Respectfully submitted, this the 9th day of November, 2023.

/s/LaTausha Simmons
LaTausha Simmons
20500 Dean St
Detroit, Michigan 48234
Phone N/A
Email N/A

CERTIFICATE OF SERVICE

I, LaTausha Simmons, certify that I have this day served the foregoing Motion for Extension of Time to file Direct Appeal by first-class mail, postage prepaid, addressed to opposing counsel of record for the City of Detroit Law Department, 2 Woodward Avenue, Suite 500, Detroit, MI 48226. This the 9th day of November, 2023.

/s/LaTausha Simmons
LaTausha Simmons