

In the Supreme Court of the United States

Jeanna Norris; Kraig Ehm; D'Ann Rohrer, Applicants

v.

Samuel Stanley, in his official capacity as
President of Michigan State University, *et al.*

**APPLICATION DIRECTED TO THE HONORABLE BRETT M.
KAVANAUGH FOR A FURTHER EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT**

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APPLICATION FOR EXTENSION OF TIME

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

1. Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 12, 13.5, 22, 30, and 33.2, Applicants Jeanna Norris, *et al.*, respectfully request an additional 30-day extension of time, up to and including, March 11, 2024,¹ to file a petition for a *writ of certiorari*. The United States Court of Appeals for the Sixth Circuit issued its opinion, which is reported at 73 F.4th 431 (6th Cir. 2023), on July 13, 2023. A copy of the opinion is reproduced in the addendum to this brief. Applicants sought and received an extension of time to file a petition for rehearing and rehearing *en banc*, and thereafter did so within the time allotted by the Sixth Circuit. The Sixth Circuit denied rehearing on October 11, 2023. On January 3, 2024, Associate Justice Brett M. Kavanaugh extended the time within which to file a petition by 30 days, to February 8, 2024. The present application is being filed on January 26, 2024, more than ten days before the time for filing the petition is set to expire. This Court has jurisdiction under 28 U.S.C. § 1257(1) to review the decision of the United States Court of Appeals for the Sixth Circuit.

¹ Because the 30th day falls on a Saturday, pursuant to Rule 30.1, Applicants respectfully ask that extension be granted to “until the end of the next day that is not a Saturday, Sunday, federal legal holiday.”

2. Applicants, all individuals with natural immunity to Covid-19, filed a civil rights suit under 28 U.S.C. §§ 1331 and 1343(a)(3)-(4), as well as 42 U.S.C. §§ 1983 and 1988, and under non-statutory equitable jurisdiction the Western District of Michigan, alleging that the then-extant Covid-19 vaccine mandate instituted by Defendants violated Applicants' constitutionally protected rights to bodily integrity and autonomy and to refuse unnecessary medical treatment in violation of the Due Process Clause of the Fourteenth Amendment, and ran afoul of the federal statute governing emergency use authorization of drugs and medical devices. In two separate orders, and relying principally on *Jacobson v. Massachusetts*, 197 U.S. 11 (1905), the district court dismissed the action.
3. The Court of Appeals, again viewing *Jacobson* as a binding and applicable precedent, affirmed in a published opinion.
4. The Court of Appeals rejected Applicants' arguments that the mandate, being an intrusion upon Applicants' bodily autonomy, is subject to at least intermediate scrutiny, and further held that the mandate passed rational basis review because Defendants "could rationally believe that requiring the vaccine for naturally immune individuals would further combat COVID-19 on its campus." 73 F.3d at 436.
5. Applicants respectfully submit that the question of *Jacobson's* continued vitality, especially in light of this Court's more recent pronouncements in *Vacco v. Quill*,

521 U.S. 793 (1997), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and *Cruzan ex rel. Cruzan v. Dir., Mo. Dep't of Health*, 497 U.S. 261 (1990) warrant the Court's attention.

6. Applicant has good cause to seek an extension of time. First, in addition to completing the work necessary to prepare the petition for a *writ of certiorari*, between now and the requested deadline, Applicants' counsel are occupied with briefing deadlines and argument in a variety of matters in state and federal courts.
7. Moreover, one of Applicants' attorneys, who served as principal attorney in the District Court and Sixth Circuit appeal, is presently on maternity leave. Applicants' other attorney, who is a full-time law professor, has teaching responsibilities in addition to his litigation work.
8. Applicants respectfully submit that, given the complexity and importance of the underlying legal issues, as well as counsel's competing obligations, Applicants' counsel will need additional time to prepare the petition for a *writ of certiorari*, and therefore good cause exists justifying an additional 30-day extension of time.

CONCLUSION

For the foregoing reasons, Applicants respectfully request that an order be entered further extending the time to file a petition for a writ of certiorari by 30 days, up to and including March 11, 2024.

Dated: January 26, 2024

Respectfully submitted,

/s/ John J. Vecchione

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