

**IN THE SUPREME COURT OF THE UNITED STATES**

Mary Harris

Applicant,

v.

Monroe County Public Library Board of Trustees, et al.

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To the Honorable Clarence Thomas, Circuit Justice for the United States  
Court of Appeals for the Eleventh Circuit:

1. Mary Harris, through counsel and pursuant to Rules 13.5 and 30.2 of this Court, applies for a 45-day extension of time up to and including March 2, 2024 to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit. The Eleventh Circuit entered its judgment on October 18, 2023. App., *infra*, 1a-18a.
2. Absent an extension of time, the time for filing a petition for a writ of certiorari will expire on January 16, 2024. The jurisdiction of this Court would be invoked under 28 U.S.C. 1254(1).
3. In the states comprising the Eleventh Circuit Court of Appeals, there is no right to bring an equal protection retaliation claim based on allegations of race discrimination. App., 18 citing *Watkins v. Bowden*, 105 F.3d 1344, 1354

(11<sup>th</sup> Cir.1997)(holding that a retaliation claim “simply does not implicate the Equal Protection Clause”).

4. The Second Circuit allows an equal protection retaliation claim. See *Vega v. Hempstead Union Free Sch. Dist.*, 801 F.3d 72, 80 (2d Cir. 2015) “We acknowledge that there has been considerable confusion surrounding the viability of retaliation claims under § 1983, and we now clarify that retaliation claims alleging an adverse action because of a complaint of discrimination are actionable under § 1983.”
5. Other circuits agree with the Eleventh Circuit. “At least six of our sister circuits have held that the Equal Protection Clause cannot sustain a pure claim of retaliation” *Wilcox v. Lyons*, 970 F.3d 452, 461 (4th Cir. 2020)
6. Given the circuits divergent outcome, Harris intends to raise the split as one of the reasons this Court’s intervention is necessary to insure uniformity of constitutional rights between residents of different states.
7. Harris worked at the Monroe, Alabama County library for thirty plus years, and served as the interim director prior to termination. Harris objected to a Confederate Memorial Day event (an Alabama state authorized holiday) held at the county library.
8. The District Court ruled that the county employees could not be aggregated with the library employees to establish the minimum number of employees

for Title VII coverage. See 42 U.S.C. § 2000e, “The term “employer” means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day....”

9. Counsel for Ms. Harris seeks an extension of time due to a combination of professional and personal reasons.

10. Next week, counsel will be traveling out of state for an in person hearing regarding *Mobley et al v. Workday, Inc.*, 3:23-cv-00770-RFL pending in the Northern District of California.

11. Counsel’s two attorney office also has discovery obligations in other on-going cases and additional time is needed to prepare and have the petition printed.

**Wherefore premises considered,** Harris respectfully requests a forty-five-day extension up to and including March 2, 2024 to file a petition for a writ of certiorari.

Respectfully submitted,

/s/Lee Winston  
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