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IN THE SUPREME COURT OF THE UNITED STATES

RYAN MORRISON,

Petitioner

v.

ALVARO RAMOS, in his individual capacity; DAVID MIRZOYAN, in his individual
capacity; RICARDO ACOSTA, in his individual capacity; MICHAEL BOYLLS, in
his individual capacity,

Respondents.

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

**APPLICATION TO JUSTICE KAGAN
TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI**

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To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit.

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner Ryan Morrison respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended for 30 days up to and including February 15, 2024. The Court of Appeals issued its opinion on October 16, 2023. (Appendix ("App.") at 1-4). Absent an extension of time, the Petition for Writ of Certiorari would be due on January 16, 2024. Petitioners are filing this Application more than ten days before that date. See S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1).

BACKGROUND

In November 2016, Mr. Morrison was a 30-year-old adult living as a co-tenant with his mother Margaret Morrison ("Margaret") in Los Angeles, California. Mr. Morrison had been residing with Margaret since May 2016. Both Mr. Morrison were co-signors on the lease and both paid rent for the apartment.

On November 26, 2016, Margaret reported an alleged assault by Mr. Morrison to the local police. Police responded to the apartment, took Margaret's statement, and looked for Mr. Morrison but were unable to find him as he was not present in the apartment. Margaret received medical attention on the scene but refused to be transported to the hospital.

The following day, Margaret went to the police station to provide further details of the assault. Following Margaret's report, police officers Ramos and Mirzoyan followed Margaret to the apartment to conduct further investigation. Once there, Margaret opened the door and the Officers entered. Margaret also told the Officers which bedroom belonged to Mr. Morrison.

The Officers were aware that Mr. Morrison and Margaret resided in the apartment together. They were also aware that Mr. Morrison was an adult and that he had resided in the apartment for approximately six months, since May 2016. The Officers never asked whether Margaret had control over Mr. Morrison's bedroom. They did not inquire if Mr. Morrison was on the lease to the apartment or if he paid rent. Nevertheless, the Officers went straight to Mr. Morrison's room and directed him to come out. Mr. Morrison immediately objected and asked them to leave. Instead, Ramos and Mirzoyan threw him into a chair, knocked his glasses off, threw handcuffs on him, and dragged him out.

Mr. Morrison proceeded to trial on assault charges and a jury acquitted him. On September 13, 2018, Mr. Morrison filed a complaint with the City of Los Angeles. On March 15, 2019, Mr. Morrison filed a civil rights action in District Court under 42 U.S.C. § 1983 for, among other things, false arrest, and unlawful seizure. On June 21, 2022, the District Court dismissed these claims after granting summary judgment in favor of the Officers. The District Court reasoned that probable cause acts as a complete defense to a claim of false arrest and qualified immunity shielded the Defendants from liability for unlawful seizure.

The Ninth Circuit Court of Appeals upheld the District Court's ruling on October 16, 2023. The Ninth Circuit noted that warrantless searches and seizures are generally unreasonable if one occupant grants permission for the search but a co-occupant objects to the search. The Ninth Circuit also noted that this Court has previously held "that children may have less authority over a shared home than their parents." Because there was no "controlling authority or consensus of persuasive authority that a warrant was required to enter a residence shared by a consenting parent and an objecting adult child, or an adult child's bedroom within it" the Ninth Circuit found that the Officers were "entitled to qualified immunity".

REASONS FOR GRANTING AN EXTENSION OF TIME

1. Mr. Morrison’s case raises important questions regarding the application of Fourth Amendment protections granted by this Court in *Georgia v. Randolph*, 547 U.S. 103, 126 S.Ct. 1515 (2006). The Ninth Circuit declined to state that those protections are applicable to adult children living in the same household as a parent – seemingly in conflict with the reasonableness determination of other Fourth Amendment cases.
2. Given the rise in multigenerational households, the Ninth Circuit’s decision is of great importance and unless it is addressed by this Court could result in a class of individuals losing Fourth Amendment rights solely based on their living arrangements.
3. Mr. Morrison now seeks a writ of certiorari for the United States Court of Appeals for the Ninth Circuit. This Court’s jurisdiction arises under 28 U.S.C. §1254(1).
4. As stated above, a petition for a writ of certiorari is due on or before January 16, 2024. (The 90th day falls on Sunday January 14, extending to January 16 due to the national holiday) However, the time granted by Supreme Court Rule 13 will be insufficient to allow Petitioner’s counsel to do justice to the issues at hand, which are of vast import. Therefore, Petitioner seeks an extension of thirty (30) days in which to file his petition for a writ of certiorari. See Supreme Court Rule 13.5 (“[A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days”).
5. In accordance with Supreme Court Rule 13.5, this Application is submitted at least ten (10) days prior to the present due date. Further, the requested extension is made in good faith and not for the purposes of delay.
6. This court has repeatedly emphasized that the Fourth Amendment has enshrined a centuries old common law “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. Amend. IV, *see also Randolph*, 547 U.S. at 123-124

(Roberts, C.J. concurring). Thus, it is important for counsel to be granted additional time to prepare Mr. Morrison's petition with due care necessary for these cases.

7. Other obligations have precluded counsel from being able to direct adequate time and attention to the preparation of a petition for writ of certiorari on Petitioner's behalf. Therefore, in light of counsel's current obligations and the importance of the constitutional issues that will be presented in this case, counsel submits that a thirty (30) day extension is necessary and appropriate in order to effectively prepare the petition for certiorari on Mr. Morrison's behalf.

Wherefore, in the interest of justice and for good cause shown, counsel for Mr. Morrison respectfully requests that this Court extend the current January 16, 2024 deadline until February 15, 2024.

Respectfully Submitted,

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January 4, 2024