

No. _____

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

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JOHN DOE,

Petitioner,

v.

UNIVERSITY OF IOWA, ET AL.,

Respondent.

◆

**Application for an Extension of Time to File Petition for Writ of
Certiorari to the United States Court of Appeals for the Eighth Circuit**

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To the Honorable Justice Brett Kavanaugh, Circuit Justice for the United States
Court of Appeals for the Eighth Circuit,

Pursuant to Supreme Court Rule 13.5, Petitioner John Doe respectfully requests
a 60-day extension to file a Petition for a Writ of Certiorari.

The District Court granted summary judgment for the Respondents, the
University of Iowa (“UI”). The Eighth Circuit affirmed the decision in this case, *Doe*
v. Univ. of Iowa et al., No. 21-3340, on September 14, 2023, and denied *en banc*
rehearing on November 13, 2023. The current deadline for filing the Petition for Writ
of Certiorari is February 11, 2024. The extension sought is for 60 days, until April 11,
2024.

The Petitioner, an international student, alleged that UI discriminated against him based on sex under Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-88, and violated his procedural due process rights under 42 U.S.C. § 1983 in a sexual misconduct proceeding, leading to his expulsion from the university.

Grounds for Granting the Extension

1. An extension is necessary because of the substantial scale and complexity of the case record and the legal issues presented. The case record is extensive and multifaceted, having undergone thorough development through discovery. It encompasses a series of incidents, multiple defendants, and a comprehensive collection of evidence. The substantial and detailed nature of the record is time-intensive. It requires an in-depth review and analysis to craft a well-structured and persuasive petition that aptly presents the Petitioner's arguments.

2. The history of over-length briefs from both parties throughout the proceedings and the involvement of multiple defendants have intensified the intricacy of legal issues, warranting additional time for thoroughly preparing arguments.

3. The case presents significant complexities, particularly in interpreting Title IX discrimination law within the context of "mixed motives." The Petitioner intends to delve into the application of the motivating factor standard and critically evaluate the role of direct evidence in situations that include both valid and invalid motives. The Petitioner will also address procedural due process under 42 U.S.C. § 1983, specifically focusing on the sufficiency of notice of charges. These elements of mixed motives and procedural due process add layers of complexity, necessitating thorough

research and a carefully structured presentation to ensure that the Petition for Certiorari fully encompasses these multifaceted legal questions.

4. The Eighth Circuit’s reliance on “context” in granting summary judgment in a discrimination claim (*Univ. of Iowa*, at *8), marks a divergence from other Circuits, such as that in *Sassaman v. Gamache*, 566 F.3d 307, 313 (2d Cir. 2009). This inconsistency, along with parallel reasoning in granting summary judgment by the same panel in *Smothers v. Rowley Masonic Assisted Living Cmty.*, 63 F.4th 721, 728 (8th Cir. 2023), suggests a developing pattern that may affect the standard of review for both summary judgment and discrimination cases. This could potentially conflict with interpretations in other Circuits, underscoring the national importance of this case. A comprehensive examination of cases is essential to evaluate the consistency of this reasoning and to assess the possibility of a Circuit split.

5. The undersigned Counsel for the Petitioner, Rockne O. Cole, has initiated the process for admission to the Bar of this Court. Considering this case’s procedural and substantive complexities, the requested extension would facilitate effective representation of the Petitioner if the undersigned is admitted.

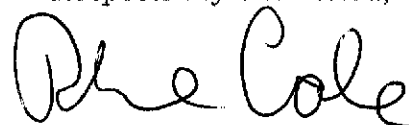
6. The Respondents have been consulted regarding this motion and have indicated no objection to the proposed extension. This mutual understanding ensures that the extension will not prejudice the Respondents.

7. A 60-day extension is imperative to ensure the Petition for Certiorari is prepared with diligence, effectively addressing the complexities and presenting a compelling argument to this Court, facilitating the administration of justice.

Conclusion

Based on the reasons articulated above, the Petitioner respectfully requests that the Court grant a 60-day extension for filing the Petition for a Writ of Certiorari.

Respectfully submitted,



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Certificate of Service

I hereby certify that I have served a copy of this motion to the Respondents on February 1, 2024 via electronic service to: christopher.deist@ag.iowa.gov and 1st class mail to: Christopher Deist, Civil Litigation, 1305 E. Walnut St., Des Moines, IA 50319.

