

In the
Supreme Court of the United States



GARY ROBINSON,

Petitioner,

v.

JERRY N. HIGGINS, ET AL.,

Respondents.



**On Application for an Extension of Time to File Response to Petition
for a Writ of Certiorari to the United States Court of Appeal
for the Sixth Circuit**



Crystal G. Rowe
Counsel of Record
KIGHTLINGER & GRAY, LLP
3620 Blackiston Boulevard
Suite 200 Bonterra Building
New Albany, Indiana 47150
Tel: (812) 949-8556
Email: cgrowe@k-glaw.com

Counsel for Respondent, Jerry N. Higgins

June 23, 2025

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

In accordance with this Court's Rules 15.3, 22, 30.2, and 30.3, Respondent, Jerry N. Higgins respectfully requests that the time to file his Response to Petition for a Writ of Certiorari be extended for 30 days, up to and including Friday, August 8, 2025. The Court of Appeals issued its opinion on August 5, 2024 (Exhibit A). Petitioner, Gary Robinson, filed a Petition for Writ of Certiorari on October 26, 2024, which was then subsequently docketed on June 9, 2025. Absent an extension of time, the Response to Petition for a Writ of Certiorari would be due on July 9, 2025. The jurisdiction of this Court is based upon 28 U.S.C. 1254(1).

Background

This case presents a question on the application of immunity for purposes of U.S.C. 1983, in conjunction with private actors accused of acting as a state actor. Higgins, an attorney who represented a lienholder in the action below, was named as a Defendant along with a Kentucky Judge, the Commonwealth of Kentucky, and a Master Commissioner in the Commonwealth, all of whom were alleged to have deprived Petitioner Robinson of due process. The district court dismissed Petitioner Robinson's claims against Higgins under Rule 12(b)(6), as Higgins was not a state actor for purposes of U.S.C. 1983, despite being an officer of the court.

Reasons For Granting an Extension of Time

There is also the press of business on numerous other matters. Substantial commitments of counsel of record during the relevant time period include:

- A Reply Brief in Support of Petition to Transfer in the Indiana Court of Appeals in *Richard Shaling v. Biomet, Inc., Biomet U.S. Reconstruction, LLC, Biomet Orthopedics, LLCs and Biomet Manufacturing, LLC* No. 24A-CT-00516 due May 27, 2025;
- A Petition to Transfer in the Indiana Court of Appeals, in *State Farm Mutual Automobile Insurance Company v. Michelle DiPego and Michael DiPego*, No. 24A-PL-01268 due June 9, 2025;
- Oral Argument before the Indiana Supreme Court in *Taliyah Brooks v. USA Track & Field, Inc.* No. 25S-PL-00103 to be held June 26, 2025;
- Rule 14B Motion to Certify for Interlocutory Appeal in Lake Superior Court *Karen Johnson and Daniel Workman v. Chuck & Irene's Inc. and Spirro's Lounge*, No. 45D05-2111-CT-001079, due June 30, 2025;
- Brief of Appellee in the Indiana Court of Appeals in *Pastor Mario L. Sims v. Richard Eugene Bryant and The Law Office of Richard Bryant*, No. 25A-CT-00926 due June 30, 2025; and
- Reply Brief of Appellant in the United States Court of Appeals for the Seventh Circuit in *Garrison Law Firm, LLC v. Dale Economan, et al.*, No. 24-3245, due July 1, 2025.

Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 30 days to and including August 8, 2025.

Dated this 23rd day of June, 2025.

Respectfully submitted,

Crystal G. Rowe
Counsel of Record
KIGHTLINGER & GRAY, LLP
3620 Blackiston Boulevard
Suite 200 Bonterra Building
New Albany, Indiana 47150
Tel: (812) 949-8556
Email: cgrowe@k-glaw.com

Counsel for Respondent, Jerry N. Higgins