

No. \_\_\_\_

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IN THE  
**Supreme Court of the United States**

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SANDHILLS MEDICAL FOUNDATION, INC.,

*Applicant,*

v.

JOANN FORD, on behalf of herself and  
all others similarly situated

*Respondent,*

and

UNITED STATES OF AMERICA,

*Respondent.*

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**Application for Extension of Time to File Petition for Writ of Certiorari**

After a Decision by the United States Court of Appeals for the Fourth Circuit  
Case No. 22-2268

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## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Supreme Court Rule 29.6, Applicant Sandhills Medical Foundation, Inc. states that it has no parent corporation and that no publicly held company owns 10 percent or more of Applicant's stock.

## APPLICATION

To the Honorable John G. Roberts, Chief Justice of the United States and Circuit Justice for the Fourth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), Applicant Sandhills Medical Foundation, Inc. (“Sandhills”), respectfully requests a 60-day extension of time, to and including October 25, 2024, within which to petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

1. The Fourth Circuit entered judgment on March 29, 2024. *Ford v. Sandhills Medical Foundation, Inc.*, 97 F.4th 252 (4th Cir. 2024), App. 1a–20a. The court denied Sandhills’ petition for panel rehearing and rehearing en banc on May 28, 2024. App. 21a. Unless extended, the time to file a petition for a writ of certiorari will expire on August 26, 2024. This application is being filed more than ten days before a petition is currently due. *See* Sup. Ct. R. 13.5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

2. Sandhills is a nonprofit, federally funded health center under Section 330 of the Public Health Service (“PHS”) Act, *codified at* 42 U.S.C. § 254b, and is designated a PHS employee for purposes of official immunity under that Act, as amended by the Federally Supported Health Centers Assistance Act. 42 U.S.C. § 233(a), (g). As a federally funded health center, Sandhills is required, among other things, to serve a “medically underserved” area or population and be governed by a community-based board of directors composed of individuals “who, as a group,

represent the individuals being served by the center . . .” 42 U.S.C. § 254b(a)(1), (j)(3)(H)(i)).

3. After the Fourth Circuit denied Sandhills’ petition for panel rehearing and rehearing en banc, undersigned counsel promptly endeavored to advise Sandhills of that decision and to counsel Sandhills as to its options in light of that decision, including whether to ask this Court for a writ of certiorari. Due in part to the amount of time it took to coordinate with and advise Sandhills’ board and for the board to deliberate in the exercise of its fiduciary duties, Sandhills seeks an extension of time to submit its petition. As a nonprofit, and to conserve resources, Sandhills chose not to prepare a petition prior to making its decision on whether to proceed with one.

4. There is a substantial prospect that this Court will grant certiorari and reverse the decision below. This case presents a federal question of significant national importance. The extent and scope of the immunity protection afforded under the PHS Act, 42 U.S.C. § 233(a), calls for national uniformity because actual and statutorily-designated PHS employees are engaged in—and ostensibly immunized from suits arising out of—the provision of medical care and related functions throughout the United States. By narrowly construing the immunity provision, the decision of the Fourth Circuit conflicts with the Ninth Circuit’s decision in *Friedenberg v. Lane County*, 68 F.4th 1113 (2023), and is at odds with this Court’s decision in *Hui v. Castaneda*, 559 U.S. 799 (2010).

5. Plaintiff and the United States consent to the requested extension.

6. For the foregoing reasons, Sandhills respectfully requests that the Court extend the time to file a petition for a writ of certiorari to and including October 25, 2024.

Dated this 25th day of July, 2024.

Respectfully submitted,

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