

No. _____

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

SHAN SHAN SU,

Applicant,

v.

BROWARD COUNTY,

Respondent.

**APPLICATION TO THE HON. CLARENCE THOMAS FOR AN
EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI**

Pursuant to Supreme Court Rule 13(5), Applicant Shan Shan Su, respectfully requests an extension of time of forty-two (42) days, to and including July 29, 2025, for the filing of a petition for writ of certiorari. Unless an extension is granted, the deadline for filing the petition for writ of certiorari will be June 17, 2025. Consistent with Rule 13(5), this application is being filed more than 10 days before that date.

In support of this request, Applicant states as follows:

1. The opinion and judgment of the United States Court of Appeals for the Eleventh Circuit were issued on January 29, 2025 (Exhibit 1) and a timely petition for panel rehearing was denied on March 19, 2025 (Exhibit 2). This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

2. This case involves important federal and constitutional questions. Applicant brought a civil action against Respondent for race discrimination under Title VII, race discrimination under the Florida Civil Rights Act, disability discrimination under the Florida Civil Rights Act, disability discrimination under the Americans with Disabilities Act, disability discrimination under the Rehabilitation Act, retaliation under the Florida Civil Rights Act, retaliation under the Americans with Disabilities Act, and retaliation under Title VII. Applicant began working for Respondent Broward County in March 1995 and was continuously employed for twenty-seven years until February 28, 2022 when she was wrongfully terminated. Applicant is a disabled individual of Chinese ancestry and was subjected to a pattern of severe and pervasive discrimination and harassment on account of her race and her disability by Respondent. Applicant filed a Charge of Discrimination against Respondent on March 28, 2022 before both the EEOC and the Florida Commission on Human Relations. On September 26, 2022, the Florida Commission on Human Relations made a determination that reasonable cause existed to believe an unlawful employment practice had occurred, namely retaliation and discrimination on the basis of race and disability. On May 31, 2023, the Department of Justice issued a notice of Right to Sue.

3. The Eleventh Circuit affirmed the District Court's pre-answer dismissal with prejudice of Applicant's Complaint in its entirety demanding a heightened pleading requirement in contravention of this Court's precedent. The dismissal with prejudice included Applicant's supplemental state law claims in contravention of this

Court's precedent. The important federal and constitutional issues involved include but are not limited to: whether the decision of the Eleventh Circuit affects the due process rights of litigants to have their claims heard on the merits; whether the decision of the Eleventh Circuit is in contravention of the precedent set forth in *Muldrow v. City of St. Louis*, 144 S. Ct. 967 (2024); whether the decision of the Eleventh Circuit is in contravention of the precedent set forth in *Johnson v. City of Shelby*, 574 U.S. 10 (2014); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); and whether the Eleventh Circuit impermissibly dismissed the supplemental state law claims with prejudice in contravention of the precedent set forth in *Royal Canin U. S. A., Inc. v. Wullschleger*, 604 U.S. 22 (2025).

4. Applicant's counsel, Alexandra C. Siskopoulos, was not the attorney of record in the United States Court of Appeals for the Eleventh Circuit and has been recently retained this week. As such, Applicant's counsel needs additional time to review the entire record and fully brief the issues to be presented to this Honorable Court. Moreover, Applicant's counsel has other substantial obligations.

5. In light of the foregoing, Applicant's counsel respectfully requests an extension of time to familiarize herself with the relevant materials and to address the complex issues raised by the instant petition. Applicant's counsel does not anticipate any further extension requests.

WHEREFORE, for the foregoing reasons, Applicant requests that an extension of time of forty-two (42) days, to and including July 29, 2025, be granted within which Applicant may file a petition for writ of certiorari.

Respectfully submitted,

/s/ Alexandra C. Siskopoulos

Alexandra C. Siskopoulos

Counsel for Applicant

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June 4, 2025

APPENDIX

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[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10841

Non-Argument Calendar

SHAN SHAN SU,

Plaintiff-Appellant,

versus

BROWARD COUNTY,

a political subdivision of the State of Florida,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:23-cv-61385-WPD

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and GRANT, Circuit Judges.

PER CURIAM:

Shan Shan Su appeals the dismissal of her amended complaint alleging claims of race discrimination, disability discrimination, and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a), the Americans with Disabilities Act of 1990, *id.* §§ 12112(a), 12203(a), the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), and the Florida Civil Rights Act, Fla. Stat. § 760.10, against Broward County. The district court dismissed the amended complaint with prejudice for failure to state a claim. Fed. R. Civ. P. 12(b)(6). We affirm.

We review the dismissal of a complaint for failure to state a claim *de novo*. *Tolar v. Bradley Arant Boult Commings, LLP*, 997 F.3d 1280, 1299 (11th Cir. 2021). We will not consider issues that were not raised in the district court and are raised for the first time on appeal absent extraordinary circumstances. *Access Now, Inc. v. Sw. Airlines Co.*, 385 F.3d 1324, 1331–32 (11th Cir. 2004).

Su failed to preserve the arguments she makes on appeal before the district court. A conclusory statement does not adequately preserve a more developed argument that could have been presented to the district court, *see Ruckh v. Salus Rehab., LLC*, 963 F.3d 1089, 1111 (11th Cir. 2020) (holding that a single sentence asserting a damages award was excessive and against the weight of the evidence did not adequately present the issue to the district court), nor

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Opinion of the Court

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does a recitation of the underlying facts without argument, *Ledford v. Peebles*, 657 F.3d 1222, 1258 (11th Cir. 2011). In her response to the County’s motion to dismiss, Su asserted without argument that her claims were plausible by quoting factual portions of her amended complaint, including a statement that the Florida Commission on Human Relations determined that there was “reasonable cause” to believe that the County engaged in retaliation and discrimination. Her conclusory assertion that her claims were plausible and quotations from her amended complaint were insufficient to preserve her arguments before the district court. *See Ruckh*, 963 F.3d at 1111; *Ledford*, 657 F.3d at 1258. And she has forfeited any argument on appeal that extraordinary circumstances warrant our review by failing to raise that issue in her initial brief. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014).

Su also forfeited her argument that her state law claims should have been dismissed without prejudice to allow refile in state court by failing to raise the issue in the district court. *See Access Now, Inc.*, 385 F.3d at 1331–32. In any event, the district court did not abuse its discretion in dismissing Su’s state law claims with prejudice because it dismissed Su’s claims on the merits, not as a shotgun pleading. *See Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1296 (11th Cir. 2018) (holding that a district court should dismiss state law claims without prejudice to allow refile in state court when dismissed on non-merits shotgun pleading grounds).

We **AFFIRM** the dismissal of Su’s amended complaint.

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10841

SHAN SHAN SU,

Plaintiff-Appellant,

versus

BROWARD COUNTY,

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Defendant-Appellee.

Appeal from the United States District Court
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D.C. Docket No. 0:23-cv-61385-WPD

JUDGMENT

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It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: January 29, 2025

For the Court: DAVID J. SMITH, Clerk of Court

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-10841

SHAN SHAN SU,

Plaintiff-Appellant,

versus

BROWARD COUNTY,

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Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 0:23-cv-61385-WPD

Before WILLIAM PRYOR, Chief Judge, and NEWSOM and GRANT, Circuit Judges.

PER CURIAM:

The Petition for Panel Rehearing filed by Appellant Shan Shan Su is DENIED.