

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

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Samuel Fields,

*Petitioner,*

*vs.*

Laura Plappert,

*Respondent.*

(CAPITAL CASE)

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APPLICATION FOR EXTENSION OF TIME  
TO FILE PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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*To the Honorable Brett M. Kavanaugh, Associate Justice, and Circuit Justice for the United States Court of Appeals for the Sixth Circuit:*

In this capital case and under United States Supreme Court Rule 13.5, Petitioner Samuel Fields respectfully applies for a 30-day extension of time, to and including July 31, 2025, to file his petition for a writ of certiorari in this Court. In support of this application, Mr. Fields states:

1. Mr. Fields is a Kentucky death-sentenced prisoner currently housed at the Kentucky State Penitentiary in Eddyville, Kentucky.
2. While deliberating in Mr. Fields's case, to test the Commonwealth's

theory of guilt, Mr. Fields’s jury considered extrinsic evidence that Mr. Fields had no opportunity to confront or refute. Mr. Fields asserted that this constitutional violation warranted habeas relief. For the purposes of 28 U.S.C. § 2254(d)(1), Fields relied on the general rule requiring “the ‘evidence developed’ against a defendant [to] come from the witness stand[,]” as recognized in *Turner v. Louisiana*, 379 U.S. 466, 472-73 (1965), and other decisions of this Court. The district court denied relief, but a panel of the United States Court of Appeals for the Sixth Circuit reversed the district court and granted habeas relief. *Fields v. Jordan*, 54 F.4th 871 (6th Cir. 2022). One judge dissented. *Id.* at 883-84 (Batchelder, J., dissenting).

3. Respondent sought rehearing en banc, and the Sixth Circuit granted Respondent’s petition. On November 3, 2023, the en banc court issued a decision affirming the district court’s denial of habeas relief. *Fields v. Jordan*, 86 F.4th 218 (6th Cir. 2023). A majority determined that this Court “abrogated” prior Sixth Circuit decisions (on which the panel relied) by subsequently interpreting 28 U.S.C. § 2254(d)(1) to exclude general or abstract rules from qualifying as clearly established Supreme Court law. *Id.* at 232, 236, 239. As a result, Mr. Fields no longer was entitled to § 2254(d)(1) review of his extrinsic evidence claim. *Id.* at 232. Five judges dissented. *Id.* at 250-59 (Moore, J., dissenting, joined by Clay, Stranch, Davis, and Mathis, JJ.).

4. Mr. Fields sought review in this Court, and on June 10, 2024, this Court declined to accept review. *Fields v. Plappert*, 144 S. Ct. 2635 (2024). Shortly thereafter, on January 21, 2025, this Court granted certiorari in *Andrew v. White*,

145 S. Ct. 75 (2025) and issued its opinion in that case. This Court ruled in *Andrew* that a similar circuit court decision finding that the general or abstract rule at issue there could not satisfy § 2254(d)(1)’s “clearly established law” requirement was “wrong.” *Id.* at 78. This Court remanded the case to the circuit court for a determination of whether the state-court decision unreasonably applied this Court’s general rule. *Id.* at 83.

5. On February 19, 2025, Mr. Fields moved for the Sixth Circuit to recall its mandate on the ground that *Andrew* called into question the correctness and integrity of the en banc judgment and therefore created an exceptional circumstance justifying the recall. The en banc court denied the motion on April 2, 2025. *Fields v. Plappert*, No. 17-5065, (6th Cir. Apr. 2, 2025) (attached as Exhibit 1). Five judges dissented. *Id.* These judges would have granted the motion to recall. *Id.*

6. Mr. Fields seeks review in this Court of the Sixth Circuit’s en banc decision denying the motion to recall the mandate.

7. Mr. Fields’s time for petitioning this Court for a writ of certiorari currently expires on July 1, 2024.

8. Mr. Fields is indigent, and the United States Court of Appeals has appointed undersigned counsel to represent Mr. Fields on appeal from the district court and in certiorari proceedings in this Court.

9. Counsel for Mr. Fields have a duty to present a reasoned petition for a writ of certiorari to this Court. Due to counsel’s pre-existing professional obligations in other cases, counsel requests an extension of the

deadline in this case. These other obligations include the following: Mr. Kirsch, in the Arkansas capital case of Ray Dansby, has a June 20, 2025 deadline for a reply in support of a 60(b) motion in addition to the investigation and development of Mr. Dansby's clemency case. In addition, Mr. Kirsch has been out of the office on pre-planned leave from June 18-20. In recent months, Ms. Law has been involved in the investigation and development of the clemency case in the Indiana capital case of Roy Ward. Ms. Law also has planned annual leave the last week of June.

10. Mr. Fields has not previously petitioned this Court for an extension of time in which to file a petition for a writ of certiorari.

11. This application is made in good faith and not for purposes of delay.

Wherefore, Mr. Fields respectfully requests this Court to issue an order establishing the due date for his petition for a writ of certiorari as **Thursday, July 31, 2025.**

Respectfully submitted,



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