No.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 2025

Demetric Simon, *Petitioner*

vs.

Keith Gladstone, *et. al.*, *Respondents.*

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

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To the Honorable John G. Roberts, Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit including State of Maryland:

Petitioner Demetric Simon prays for a 30-day extension of time to file a petition for certiorari to this Court to and including July 30, 2025. Originally, in an opinion from Judge Julie Rubin of the Federal District Court for the District of Maryland, in *Demetric [Simon] v. Keith Gladstone, et. al.*,[1] Judge Rubin granted a pre-discovery "Motion to Dismiss" solely due

[1] At that time, through the present, as reflected with online legal databases, Judge Rubin inexplicitly miscaptioned the matter, as *Demetric Gladstone v. Keith Gladstone. Gladstone v. Gladstone*, Civil Action No. 1:22-cv-00549-JRR, 2023 U.S. Dist. LEXIS 45885, at *1 (D. Md. Mar. 18, 2023)

to her contention the Civil Rights Violation case, in which Petitioner was framed, falsely arrested and incarcerated for about 11 months, arose from misconduct in 2014, but was not filed until 2022; thus the matter at Respondents' request and per Judge Rubin, simply fell beyond Maryland's typical three (3) year Statute of Limitation. This was regardless of any discovery being permitted on the highly unusual circumstances involved of a criminal conspiracy to deprive of Civil rights including at least three police officers not discoverable until the criminal indictment, Petitioner Simon being incarcerated throughout nearly the entire period, and despite Judge Rubin acknowledgment these are to be denied, absent "relatively rare circumstances where facts sufficient to rule on an affirmative defense are alleged in the complaint" said facts are to be "clear on the face" to warrant no discovery ever taking place. Attached "A," Judge Julie Rubin's Memorandum at page 11.

Petitioner Simon argued *inter alia,* that Maryland's Discovery Rule to be applied, was far broader, and interrelated Doctrines applied to this cases' appropriately plead facts and circumstances, for "equitable tolling" and "fraudulent concealment" doctrines to defeat the Motion to Dismiss at the pleading stage. Petitioner Simon was also one of the most prominent victims of the Baltimore "Gun Trace Task Force" (GTTF) scandal, and the facts of his

case was prominently discussed through extensive interviews with Baltimore police and attorneys in the 660-page "*Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences*, January 2022, https://perma.cc/KQL7-79P2.") (Also referred to as the Steptoe Report or the Bromwich Report, with the permalink above approved and quoted directly in *United States v. Paylor*, 88 F.4th 553, 563 n.2 (4th Cir. 2023), discussing the extensive lengths taken by various GTTF officers to avoid detection, with superiors at the BPD allowing these violations to continue because of the "results" claimed, and how GTTF avoided discipline which could interfere with the "productive" GTTF officers and City being subject to rebuke.)[2]

The first Question Presented[3] was argued as a Question of First Impression for the Fourth Circuit, on the topic noting *inter alia,* while there

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[2] The Bromwich Report released two months before suit was filed, includes approximately 20 direct references to Petitioner Simon's case and Respondent/Defendants Gladstone, Hankard, and Vignola, who only in 2019 was it publicly disclosed they were even involved at the frame-up scene, and being criminally prosecuted within the 5 year criminal statute of limitation, for Mr. Simon's Civil Rights violations, which due to COVID closure delays, all three were only sentenced in 2023, over a year after a civil suit was filed.

[3] "**Issue One:** Whether the trial Court's grant of a Motion to Dismiss under Statute of Limitations, was legally correct and proper, based on the initial incident involving Officer Jenkins occurring in 2014, when it was unreasonable and practically impossible for Appellant to have "inquiry notice" to file a Civil Rights claim by 2017 and/or Appellant's claims should otherwise have been "equitably tolled" due to Fraudulent Concealment when: (1) no one including Appellee Baltimore City Police Department (BPD)

was apparently four Federal District Court cases related to topic, all of which denied Motions to Dismiss with striking similarities to Petitioner's case, of which at least four of *Green v. Pro Football, Inc.,* 31 F. Supp. 714, 722-723 (D. Ct. Md. 2014), *Johnson v. BPD,* 2020 WL 1694349 (D. Ct. Md. 2020), *Johnson v. BPD,* 2022 WL 2209066 (D. Ct. Md. 2022), and *Burley v. BPD,* 422 F. Supp. 3d 986 (D. Ct. Md. 2019) supported the position taken by Petitioner, three that specifically addressed the important circumstances of the GTTF.[4]

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claimed they knew Officers Gladstone, Vignola, and Hankard, participated, conspired, and fraudulently concealed their activities of planting evidence of a realistic BB gun, as part of a conspiracy to falsely arrest and imprison Simon for 317 days until a *nol pross* was entered, (2) later perjuring themselves before the Grand Jury to prevent discovery, (3) it is plausible a reasonable fact-finder would find it was the Federal criminal investigation and indictment made public in 2019 that gave rise to Appellant having inquiry notice, and (4) the three previously unknown ringleader co-Defendants were found criminally guilty between 2019 through 2022, to conspiring to deprive Simon of his Civil Rights and/or perjury."

[4] The only case that differed in the Maryland Federal Courts, of which both the trial judge Julie Rubin and the Fourth Circuit's unreported Opinion noted and adopted, was that of *Rich v. Hersl,* 2021 WL 2589731 (D. Ct. 2021). *See,* Attached A, pg. 11-16; Attached B, *Slip. Op.* at pg. 10. The Fourth Circuit's unwillingness or inability to address the contrary legal positions taken by Maryland Federal Judges, or the contrary positions by other Circuit Courts (such as the Second Circuit discussed *infra*), and this Court, does not detract from the Certiorari-worthy Question Presented, which other Circuits would disagree. Otherwise, the Circuit Split and lack of appropriate precedential case law by the Fourth Circuit, should be considered an Open Question for this Court, given the (1) the supportive legal standards applicable and meant to permit Plaintiffs discovery in denying Motions to Dismiss based on a purported Statute of Limitation, (2) the unquestionable lack of knowledge of Mr. Simon being an actual victim of a far reaching

See also, Baltimore City Police Dep't v. Potts [and *James*], 468 Md. 265 (2020)(Certified Questions to Maryland Supreme Court confirming liability on GTTF cases, and Maryland's Supreme Court thereby found Baltimore Police Department and City was found to have known or reasonably should have known employees and other supervisors engaged in a pernicious plan for years of arresting and convicting Baltimore citizens, in violation of guaranteed Civil Rights.)

These issues, remain subject of what Petitioner contends to be a Circuit Split, which have not been harmonized by this Court's precedents. *See e.g. Saint-Jean v. Emigrant Mortg. Co.,* 129 F.4th 124, 142 (2d Cir. Dec. Feb. 19, 2025)(*Certiorari Petition pending filing)(*Application 24A1177) (In Motion for Summary Judgment context after discovery, Second Circuit noting prior Second Circuit precedent over dissent of how "Statutes of limitations are generally subject to equitable tolling where necessary to prevent unfairness to a plaintiff who is not at fault" for lateness in filing. *Veltri v. Bldg. Serv. 32B-J Pension Fund*, 393 F.3d 318, 322 (2d Cir. 2004). "The taxonomy of

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conspiracy particularly when the § 1983 Defendants engaged in the conspiracy, are only discovered through a criminal investigation by the Federal authorities, and (3) a 660-Page Report, made public two months prior to the Complaint, specifically incorporated and hyperlinked with direct citations and quotes in the Complaint, which the Maryland District Court judge refused to consider for reasons that could justify summary reversal relief in this Court as well. *See,* Attached "A," pg. 8.

tolling, in the context of avoiding a statute of limitations, includes at least three phrases: equitable tolling, fraudulent concealment of a cause of action, and equitable estoppel." *Pearl v. City of Long Beach*, 296 F.3d 76, 81 (2d Cir. 2002). We conclude here that the doctrine of equitable tolling applies to render Plaintiffs' claims timely in this case.")

In this case, oral arguments took place before Judges Wilkinson, Niemeyer, and Benjamin, on January 26, 2024, and over 13 and a half months later, on March 6, 2025, an unpublished opinion was issued by Judge Benjamin, affirming the dismissal of the Plaintiff's Complaint at a Motion to Dismiss stage, prior to discovery being conducted, and regardless of the essentially now conceded violations of Appellant's Civil Rights by a conspiracy of Baltimore officers. This includes three Defendant officers (Gladstone, Vignola, and Hankard), who weren't even known in any way to have been involved at all with Mr. Simon's case, to have directly planted evidence, until the *Federal authorities* criminally charged and convicted them, including for their perjured testimony before the grand jury. *See,* Attached "B," *Demetric Simon v. Keith Gladstone, et. al.,* No. 23-1431, J. Benjamin (Unpublished) (4th Cir. Dec. March 6, 2025).

With the Fourth Circuit's opinion, even criminal misconduct in civil rights violations by State officials, have no remedies, in Federal civil courts, if

the perpetrators *succeed* at least temporarily in concealing their involvement for more than 3 years and/or the State officials and their internal policing policies, negligently or even intentionally, fail to properly investigate them for many years. That's what was plead in detail, and is also well supported through even a casual review of what the comprehensive 660-Page Steptoe Report says[5], as does former Maryland Chief Judge James Bredar,[6] as does

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[5] While Judge Julie Rubin explicitly states she refused to consider the Steptoe Report, contrary to the Fourth Circuit's later "permalink" in *Paylor,* and despite the Pleading specifically incorporating and quoting many of the main judicial and public notice statements referencing Mr. Simon's case, along with the victimizing main GTTF conspirators, Respondents in the case *sub judice,* including the below example.

"2. Plaintiff incorporates the facts uncovered and discovered through various comprehensive investigations thus far in this matter, and are now public record. This includes the following, with hyperlinks in blue to direct sources:

a. Independent Report and Two-Year Investigation of Gun Trace Task Force (GTTF) Scandal, led by former Department of Justice Inspector General Attorney Michael Bromwich, and the Law Firm of Steptoe & Johnson, available at https://www.gttfinvestigation.org/ and includes:

i. The 660-Page Final Report on "Anatomy of the Gun Trace Task Force Scandal: Its Origin, Causes, and Consequences," (Issued January 2022), based on public information, non-public information, and interviews conducted, and including specific discussion of Demetric Simon's Civil Rights violations by BPD Officers at Pages xx-xxi, 176-179, 274, 278-279, 390-391, 407, 416-417, 482, A15-18.

ii. The 35-Page Executive Summary of the GTTF investigation, causes and many participants. ("Page ii—"These former BPD officers constituted not a single criminal gang, but instead a shifting constellation of corrupt officers who discovered each other during the course of their careers and committed their crimes individually, in small groups, and then in larger groups. Over the course of many years, they victimized vulnerable Baltimore residents who they trusted would either not complain, or would not be believed if they did. Until the federal investigation developed evidence of their criminal activity, the corrupt officers were correct: most of their carefully selected victims did not complain, and those who did were virtually never deemed credible when the allegations were denied by the officers."

[6] The Maryland District Court's then-Chief Judge Bredar noted, and as quoted directly in the Complaint for damages and hyperlinked to the public document and incorporated into the Complaint:

> "A few days ago Mr. Bromwich released his comprehensive 500-page report, and he and the City have now made that report public. I asked the City to bring Mr. Bromwich to today's hearing to present to the Court a summary of the investigation […] Sitting in this case, as I have now done for the past five years, now after spending a week reading through Mr. Bromwich's comprehensive report, it's clear to me that City leaders and police commissioners have known for years about a serious integrity problem in the Baltimore Police Department." (Pg. 6 and 7 of Transcript, Avail: at
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> https://static1.squarespace.com/static/5e25f215b3dbd6661a25b79d/t/6216d22cdf2ded226947cd07/1645662765435/2022+JAN+20+BALTO+CITY+DECREE+FINAL-c2-c2-c2+%281%29.pdf)

Notably, there's no mention that somehow it's the actual *victims* of Civil Rights violations are have "known for years" about the extent of police corruption. It was the "City leaders and police commissioners"

the United States Attorney's Office criminal investigation showing fraudulent concealment, including and not limited to, lying to grand juries investigating the misconduct, and taking extraordinary measures to ensure conversations between the concealed conspirators, camouflaged by and through their knowledge of the justice system, were to be never discovered, or brought to justice, to help keep the conspiracy going, which the BPD supervisors consciously ignored.

Equitable tolling, fraudulent concealment, and Maryland's overall Discovery Rule arguments were appropriately argued below, but were not properly recognized, considered, or reconciled by either Judge Rubin, or unfortunately the Fourth Circuit Court of Appeals. This violates a foundational tenet of federal case law, going back through the Common Law. *See Sherwood v. Sutton,* 21 F. Cas. 1303, 1307 (N.H. 1828) (Justice Joseph Story as Circuit Justice, opined on the basic common law underlying "fraudulent concealment" and "the point is not, whether mere ignorance of the fact on the part of the plaintiff ought to remove the bar; but whether this

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who's casual corruption, allowed not just criminal actions to flourish, but done with a wink and a nod to Civil Rights violations being perpetrated against Baltimore citizens. Mr. Simon's Complaint was filed within three (3) years of receiving notice from the US Attorney's Office that he was a victim of the officers, and three years of the public unsealing of Officer Gladstone's criminal indictment.

ignorance, resulting from the fraudulent concealment of the fact by the defendant, ought to have that effect. […] [T]he court would violate a sound rule of law, if it permitted the defendant to avail himself of his own fraud.")

Oral arguments were scheduled and took place in the Fourth Circuit on January 26, 2024. The Fourth Circuit's unreported opinion written by Judge Benjamin, with Judges Wilkerson and Niemeyer on the panel, affirming the decision below, on March 6, 2025. *See* Attached "B." A timely motion for Panel or *En Banc* Rehearing was sought, which was denied on April 1, 2025. *See* Attached 'C.'

During the period of the Fourth Circuit's over years' time before a decision was issued after oral arguments, Petitioner discovered the *en banc* Eleventh Circuit had recently addressed with a dissent and concurring decision, the issue presented of "High Low Agreements" on Appeal, and any similarly construed "side deal" agreements in *Carson v. Monsanto Co.,* 72 F.4d.. 1261 (11th Cir. 2023)(*en banc*); thus a Motion was filed on April 22, 2024, titled Pending Motion Seeking Disclosure of Related "High-Low" or Similar Settlement Agreements in *Potts, James, Rich*, and any other similarly "Manufactured" or "Collusive" settlements in GTTF Cases Affecting Precedent and "Persuasive" Authority Argued to this Court.

After discussing the procedural aspects that these should be filed and "Circuit Split" on how they should be handled by the Circuit Courts of Appeal that have addressed them (*Monsanto* appears to be one of the few kept "secret" until an Interested party in a Ninth Circuit case involving Monsanto brought it to the Eleventh Circuit's attention), the Fourth Circuit ordered a Response. The Fourth Circuit eventually denied, without explanation, the Motion over four months later on or about August 29, 2024. A copy of the Reconsideration filing, is included herein, which outlines the Circuit Split that lack any present FRAP Rules or Local Rules when self-described by the participants as a "High-low Agreement" on appeals as well as prior United States Supreme Court precedents seeking to eliminate "feigned" or "collusive" precedents, and noting the general ability of even non-parties, to bring such cases to the appellate courts. *See,* Attached "D" (Reconsideration on Disclosure of "High Low Agreements," and discussing *Lord v. Veazie*, 49 U.S. 251, 254-56 (1850); *Am. Wood Paper Co. v. Heft*, 131 U.S. 92 (1869); and *In re Burdick*, 162 Ill. 48, 52-53 (1896) (Illinois Supreme Court noting Common Law and American precedents, and "[i]t is settled law that while a collusive or fraudulent suit is still pending the court will, at the suggestion of either a party to the record, or a person in interest or who may be prejudiced by the judgment, or even at the instance of a stranger who appears as amicus curie,

or upon its own motion, dismiss such suit out of court. […] And the same rule applies where the false and fictitious case is pending in a court of review on appeal or writ of error, and such appeal or writ of error will be dismissed."). Attached "E" was an article attachment to the Reconsideration Motion, and published in Law.com. "Abuse of Process or Healthy Strategy? 4th Circuit Case Highlights Debate Over High-Low Deals in Appeals," Law.com. Zoppo, Avalon (July 2, 2024)(Outlining and highlighting the legal and ethical difficulties with appellate courts permitting purported "High-low" Agreements on appeals, especially when kept hidden by the parties, and allowing perception of "paying for appeals" and "paying for precedent" to be secretly conducted by collusive parties.)

Under this Court's Rule 13 (1), Certiorari "is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment." Further, Supreme Court Rule 13(3) and (5), applies to this case, which provides "[t]he time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate…" This makes the effective final judgment date of the Fourth Circuit Court of Appeals, entered on April 1, 2025 and Petitioner's time to file a petition for certiorari in this Court expires on June 30, 2025. This application is being filed at least 10 days before that date.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254. Though not required, Petitioner has confirmed via email with Respondents' Counsel, that they have no objection to the requested 30 days extension.

Petitioner's Counsel Michael Wein is an attorney licensed in the State of Maryland, various Federal Courts, and a member of the Bar of this Court. This case directly involves at least two important Federal Questions Presented, both Questions of First Impression for this Court, and invoking important Civil Rights, procedural and ethical issues. Particularly in light of the important questions presented by this case, it is important that additional time be provided to Counsel to properly frame and argue these complex matters to this Court.

Wherefore, Petitioner Demetric Simon respectfully requests an Order be entered extending his time to petition for Certiorari 30 days with this Court to and including July 30, 2025.

Respectfully Submitted,

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