NO. 25A

IN THE
SUPREME COURT OF THE UNITED STATES

Anthony E. Ntamere,

Petitioners,

vs.

AmeriHealth Administrators, Inc.; Jane Doe, in her individual and official capacity, also known as AHA-000252; Michele Schumacher, in her individual and official capacity; Minnesota Department of Human Rights; U.S. Equal Employment Opportunity Commission; Charlotte Czarnecki, in her individual and official capacity; Independence Blue Cross of P.A.; John Clayton, in his individual and official capacity; Jeffrey Kearns, in his individual and official capacity; Tashima Waller, in her individual and official capacity; Equal Employment Opportunity Commission; Keith M. Ellison, in his official capacity as Minnesota Attorney General; Rebecca Lucero, in her official capacity as Commissioner of the Minnesota Department of Human Right; Tom Bernette, in his official capacity as Lead Investigator of the Minnesota Department of Human Right.

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI

Anthony E. Ntamere
Proceeding Pro se
179 McKnight Road North
Suite 309
St. Paul, Minnesota 55119
Ph: 612-237-8229
antamere@outlook.com

TO THE HONORABLE BRETT M. KAVANAUGH, CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT:

Pursuant to Rules 13.5, 22, and 30.1 of this Court, Applicant Anthony Ntamere respectfully applies for a 60-day extension of time to and including August 30, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eighth Circuit in this case. The court of appeals denied Applicant's petition for rehearing en banc on April 2, 2025. App.1a. Unless extended, the time for filing any petition for a writ of certiorari will expire on July 1, 2025. The last day to have filed an application for an extension of time would have been June 21, 2025, a Saturday, allowing an extension to Monday.

The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). The petition will challenge the summary dismissal by the U.S. Court of Appeals for the Eighth Circuit in Ntamere v. AmeriHealth Administrator, Inc, not reported but a copy of the judgment is attached. App.3a.

1 Due to circumstances beyond my control, I cannot meet the July 1, 2025 deadline. My research annotations were lost when Casetext, which I relied upon since September 2022, was acquired by Thomson Reuters and access was discontinued on March 31, 2025. Although I downloaded citations, this was insufficient to preserve my annotated research, which I must now reconstruct.

2 My case involves what I believe is clear abuse of appellate discretion under Circuit Rule 47A(a), which permits dismissal with only a boilerplate statement. Both the magistrate and district judges misapplied established law,

contrary to Supreme Court precedent, particularly regarding the improper use of prima facie case requirements at the pleading stage. Despite the district judge's awareness of these legal standards in other cases[1], defendants' motion to dismiss was erroneously granted before any responsive pleading was filed.

3 The Eighth Circuit panel's summary dismissal contravenes clearly established Supreme Court precedent under Swierkiewicz v. Sorema1 N.A., 534 U.S. 506 (2002), which (a) prohibits requiring prima facie pleading under the McDonnell Douglas Framework analysis as an impermissible heightened pleading standard under Rule 8; (b) that confirms neither Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), nor Ashcroft v. Iqbal, 556 U.S. 662 (2009), overruled or modified Swierkiewicz's central holding that requiring McDonnell's prima facie pleading violates Rule 8's notice pleading regime---a holding explicitly undisturbed by any subsequent Supreme Court rulings; and (c) establishes that direct evidence of discrimination/retaliation, when properly alleged, obviates the need for McDonnell Douglas burden-shifting analysis at any stage of the proceedings, including pleading.

4 The MDHR appeal finding introduced three case laws that became the foundation for defeating my cause of action under Title VII and § 1981. I clearly

---

[1] Judge Menendez's application of the McDonnell Douglas Framework at the pleading stage contradicts her established practice. Reviewing other cases she presided over reveals the proper application of the framework. The necessity to examine all such cases arises to determine if the ruling was obligatory, capricious, or intentional. The deviation enabled dismissal with prejudice, creating a preclusion effect under Rule 12(b)(2). • Ramirez-Cruz v. Chipotle Servs., LLC, Civil No. 15-4514 ADM/KMM (D. Minn. Aug. 10, 2017); • Benner v. St. Paul Pub. Sch., 380 F. Supp. 3d 869 (D. Minn. 2019); • Darmer v. State Farm Fire & Cas. Co., 611 F. Supp. 3d 726 (D. Minn. 2020); • Jackson v. Minn. Dep't of Human Servs., 20-cv-749 (KMM/TNL) (D. Minn. July 31, 2024)

explained to the Eighth Circuit that none of these cases applied: (1) I have no fiduciary obligation like the appellant in *Gogel v. Kia*, which was why "soliciting other employees to file discrimination charges" was deemed unreasonable conduct unworthy of protection under 42 USCA § 2000e-3(a) or § 1981(b). App. 132a. (2) The district judge's decision to apply Illinois law rather than Minnesota law lacks legal basis, and even if permitted, federal judges must respect the Illinois Supreme Court's 2014 decision deeming recording restrictions unconstitutional. (3) Prima facie case analysis is inappropriate at the pleading stage, and citing an overruled case demonstrates bad faith[2].

5 If my attached IFP application is denied and the Court finds I am not entitled to relief under Rule 33.2, I would need the full 60-day extension to prepare the booklet myself. My research indicates professional printing would cost at least $2,500.00. I contacted three document preparation services weeks ago but have received no responses.

---

[2] CASE 0:22-cv-02682-KMM-JFD (ECF 4-4, *4 n.6-8) (MDHR FINDING ON APPEAL)
"[6] See EEOC Enforcement Guidance on Retaliation and Related Issues at ll.A.2.b (August 25, 2016)
[7] See, e.g., *Gogel v. Kia Motors Mfg. of Georgia, Inc.*, 967 F.3d 1121,7137-37 (11th Cir. 2020)(soliciting other employees to file discrimination charges); *Agyropoulos v. City of Alton*, 539 F.3d 724,733-34 (7th Cir.2008); see also *Green v. McDonnell Douglas Corp.*, 463 F.2d337 (8th Cir 1972).
[8] Contrary to charging party's assertions on appeal, the multiple audio recordings provided by the parties did not corroborate charging party's claim that the presenter had used a racial slur; the recordings were, at best, inconclusive. Respondent investigated and concluded that the presenter had innocently stumbled over pronunciation of the word "never.' Documentary evidence showed that respondent interviewed many individuals who attended the presentation in question, and not a single one of them agreed with charging party's contention. MDHR personnel carefully listened to the recordings and reviewed the documentation and MDHR found no evidence suggesting that respondent's conclusion was incorrect or was reached in bad faith"

6 I need additional time to demonstrate that § 1981 statutorily allows individual liability. The district court erroneously held that HR managers and directors were merely coworkers under § 1981, contradictorily citing Yang v. Robert Half International, Inc., 79 F.4th 949, 962 (C.A.8 (Minn.), 2023) ("Yang asserts the district court incorrectly ruled that co-workers must exert supervisory control over an employee to be held personally liable under a § 1981 race discrimination claim. This is a question of first impression in our Court that we need not address because Yang has otherwise failed to establish a prima facie case of race discrimination.") The district court held in that case the plaintiff was attempting to sue a mere coworker for § 1981 violation. Yang v. Robert Half International, Inc., 2020 WL 5366771, at *4 (D.Minn., 2020) ("the individual defendants argue the count should be dismissed as asserted against them because § 1981 does not provide a cause of action against mere co-workers. The Court agrees.")

The court ignored that even if § 1981 does not allow individual liability, vicarious liability would apply if employer ratification was involved. The circuit split on individual liability availability in private employment claims is extensive and ripe for review. I contend that individuals most responsible for implementing contracts should not be shielded from personal liability.

For these reasons, Applicant respectfully requests that the deadline for his petition for a writ of certiorari be extended to August 30, 2025..

Dated: June 23, 2025 Respectfully submitted

/s/ Anthony Ntamere
ANTHONY NTAMERE
179 McKnight Road North
St. Paul, Minnesota 55119
Ph: 612-237-8229
antamere@outlook.com