

July 13, 2025

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Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

RE: Request for extension of time to file Writ of Certiorari
Lupo et al, vs Tennessee Secretary of State et al
No. 24-6052
United States Appeals Court of the Sixth Circuit
Judgment May 7th 2025

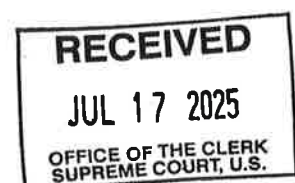
Dear Clerk of the Court:

Pursuant to Supreme Court Rule 13.5, Us the Petitioners Nicholas Lupo, Matthew Stoneman, and David Price respectfully request a 60 day extension of time to file a petition for a Writ of Certiorari in the above-referenced matter. The petition is currently due on August 5th 2025. I am requesting an extension until October 4th 2025. The court has jurisdiction under 28 U.S.C § 1254(1).

The extension is necessary due to the case raising complex legal questions that warrant careful research and preparation. Also we the Petitioners require additional time to prepare a petition that clearly and thoroughly presents the legal issues involved.

This is the first request for an extension in this case.

Thank you for your consideration of this request. Please feel free to contact me if you need any additional information.



Respectfully submitted,

A handwritten signature in black ink that reads "Nick Lupo". The signature is cursive and fluid.

/s/ Nicholas Lupo
NICHOLAS LUPO
Petitioner Pro Se

A handwritten signature in black ink that reads "Matt Stoneman". The signature is cursive and fluid.

/s/ Matthew Stoneman
MATTHEW STONEMAN
Petitioner Pro Se

A handwritten signature in blue ink that reads "David Price". The signature is cursive and fluid.

/s/ David Price
DAVID PRICE
Petitioner Pro Se

Cc: Zachary Barker

Assistant Attorney General
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meeting the requirements under state law—because Dr. Ayyadurai was not eligible to run for president because he is not a “naturally born” United States citizen. The crux of the plaintiffs’ argument seems to be that, although Dr. Ayyadurai may be ineligible to run for president, Tennessee lacked the legal authority to exclude *the plaintiffs* from the ballot as electors because a presidential election is technically used to select electors to the Electoral College, rather than the president and vice president directly. The plaintiffs therefore sought damages and a declaratory judgment that the State lacked subject-matter and personal jurisdiction to reject them as elector candidates despite their being pledged to an ineligible candidate and violated their rights by doing so.

The defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and (b)(6), first arguing that the claims were moot and barred by sovereign immunity and that the district court should not interfere with an election that was already underway. They also argued that the plaintiffs failed to state a claim under either the First or Fourteenth Amendment. The district court disagreed as to mootness and sovereign immunity and dismissed the complaint for failing to state a claim.

On appeal, the plaintiffs primarily argue that the State could not deny them placement on the ballot as presidential electors, asserting that the potential ineligibility of their pledged candidate to hold the office of president was prematurely decided and is irrelevant in any case to whether they can appear as candidates for the Electoral College on the Tennessee ballot. In response, the State does not reassert its jurisdictional challenges, instead arguing that the district court correctly determined that the plaintiffs failed to state a First or Fourteenth Amendment claim.

Although the election is now over, the parties do not address mootness. But because mootness implicates the court’s subject-matter jurisdiction, *see Davis v. Colerain Township*, 51 F.4th 164, 175 (6th Cir. 2022), we briefly address it here. We agree with the district court that the exception for mootness for disputes capable of repetition, yet evading review, applies here. *See Fed. Election Comm’n v. Wis. Right to Life, Inc.*, 551 U.S. 449, 462-63 (2007). Disputes about election laws often take more time to resolve than the election cycle permits, and this dispute is

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capable of recurring during future election cycles. *See Libertarian Party of Ohio v. Blackwell*, 462 F.3d 579, 584 (6th Cir. 2006).

Turning to the merits, we review de novo a district court's judgment granting a Rule 12(b)(6) motion to dismiss. *See Bickerstaff v. Lucarelli*, 830 F.3d 388, 395-96 (6th Cir. 2016). To avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Pleadings drafted by pro se litigants are held to a less stringent standard than those drafted by lawyers and are liberally construed, *Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), but pro se litigants are not exempt from the requirements of the Federal Rules of Civil Procedure, *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989).

The First Amendment prohibits states from "abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances." U.S. Const. amend. I. "Still, states may impose reasonable restrictions on ballot access to ensure that political candidates can show a significant modicum of support from the public . . . and to avoid election- and campaign-related disorder." *Green Party of Tenn. v. Hargett*, 767 F.3d 533, 545 (6th Cir. 2014) (citations omitted). Assuming that the plaintiffs' First Amendment rights are implicated here, we first consider "'the character and magnitude of' the plaintiff's alleged injury," then "identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule," and, finally, "assess the 'legitimacy and strength of each of those interests,' as well as the 'extent to which those interests make it necessary to burden the plaintiff's rights.'" *Id.* at 546 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788-89 (1983)).

The defendants' decision not to place the plaintiffs on the presidential ballot as electors was reasonable. Although in a presidential election it is technically true that voters select which candidate's electors for president will be sent to the Electoral College, Tennessee law provides that the "[n]ames of electors need not appear on the ballot," though the "names of presidential

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candidates” will appear on the ballot. Tenn. Code Ann. § 2-5-208(h); *see* Tenn. Code Ann. § 2-15-101; *Ray v. Blair*, 343 U.S. 214, 229 (1952). Moreover, Tennessee law provides that electors must be designated by the candidate. Tenn. Code Ann. § 2-15-203. This is constitutionally permissible, as the states are given the power to determine how presidential electors are selected. *See* U.S. Const. Art. II, § 1, cl. 2. Thus, the plaintiffs, as purported elector candidates, had no right to be personally listed on the ballot.

Moreover, Tennessee law requires electors to cast their ballot for the candidate to which they are pledged. *See* Tenn. Code Ann. § 2-15-104(c)(1). Because the electors and their pledged candidate are inextricably linked by law, it is entirely reasonable for the State to prohibit the placement of elector names on a ballot when they are pledged to a candidate who is ineligible to hold that office. “[A] state’s legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office.” *Hassan v. Colorado*, 495 F. App’x 947, 948-49 (10th Cir. 2012) (Gorsuch, J.). Inclusion on the ballot of electors who are pledged to an ineligible candidate would serve only to confuse and clutter the ballot. The plaintiffs seek to draw a distinction between running for and holding office, and thus avoid this absurd result, but this distinction is specious. The State is permitted to prevent such an incongruous result.

The plaintiffs also argue that the Supreme Court’s recent decision in *Trump v. Anderson*, 601 U.S. 100 (2024) (per curiam), undermines the conclusion that states have the power to exclude from the ballot ineligible presidential candidates. But that decision addressed only whether states, as opposed to Congress, have the power to enforce Section 3 of the Fourteenth Amendment, *see id.* at 110-17 (noting that the Electors Clause of Article II does not empower states to enforce Section 3 of the Fourteenth Amendment), and this case is not about Section 3. It therefore does not help the plaintiffs. The plaintiffs also seek to distance themselves from Dr. Ayyadurai, asserting that they should not be conflated with him and that it is *their* rights as electors that have been infringed. But as discussed above, a presidential candidate and his electors are inextricably linked under Tennessee law.

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To the extent that the plaintiffs raise a due process claim under the Fourteenth Amendment, even if we assume that Tennessee has an independent state office of “elector” that is not attached to the presidential candidate, the denial of a right to state political office is not a liberty or property interest for purposes of a due process claim. *See Snowden v. Hughes*, 321 U.S. 1, 6-7 (1944); *Mingo v. Baxter*, 518 F. App’x 444, 445 (6th Cir. 2013) (per curiam).

For these reasons, we **AFFIRM** the district court’s judgment.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk