

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2017

DWIGHT E. JORDAN,
Petitioner,

v.

THE CITY OF DARIEN, BONITA CALDWELL, CHIEF DONNIE HOWARD, NICHOLAS
ROUNTREE, Officers of the City of Darien Police Department, OFFICER ANTHONY
BROWN, Officers of the City of Darien Police Department, ARCHIE DAVIS

Respondents.

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

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF
THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Petitioner, Dwight Jordan, prays for a 32-day extension to file a petition for writ of certiorari in this Court to and including April 16, 2018.

The decision of the United States Court of Appeals for the Eleventh Circuit was issued on September 28, 2017, and a timely-filed Petition for Rehearing was denied December 15, 2017. Thus, Petitioner's time to file a petition for writ of certiorari currently expires on March 15, 2018. Pursuant to Rule 13.5, this application was originally filed more than ten days before that date, on March 2, 2018; this application corrects the original application to attach the order denying *en banc* review. Also pursuant to Rule 13.5, a copy of the opinion below, as well as the order

denying en banc review, is attached hereto. Jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).

This case presents an important question regarding whether, consistent with the First Amendment to the United States Constitution, an elected member of a governmental body can be arrested on the basis of statements made in a public meeting, an issue on which the courts are split. Specifically, the Eleventh Circuit affirmed the district court's decision that the petitioner could not state a claim for First Amendment retaliation based on an arrest (as opposed to a prosecution) because, under the Eleventh Circuit's rule, probable cause to arrest an individual is an absolute bar to such a retaliation claim. The federal circuits are split on this issue, and in fact this Court has granted certiorari in a similar case, *Lozman v. City of Riviera Beach, Florida*, No. 17-21, due to this split.

An extension of time to file the petition for writ of certiorari is requested because undersigned counsel (Sarah Shalf and the Emory Law School Supreme Court Advocacy Program, along with Michael B. Terry of Bondurant, Mixson & Elmore, LLM, as cooperating counsel of record) was only retained on February 26, 2018, following the decision of the court below. Additional time is therefore needed by undersigned counsel to more fully review the record in this case and prepare a petition for certiorari. A 30-day extension would provide a filing deadline of April 14, 2018, but April 14 falls on a Saturday, so counsel requests a 32-day extension to April 16, 2018.

Wherefore Petitioner respectfully requests that an order be entered extending time to file a petition for writ of certiorari to and including April 16, 2018.

Respectfully submitted,

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A handwritten signature in blue ink, appearing to read 'Sarah M. Shalf', written in a cursive style.

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