

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

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**In The  
Supreme Court of the United States**

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ALEXZANDRIA ORTA,

*Applicant,*

v.

MARK E. REPP, *et al.*

*Respondents.*

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**On Application for an 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, as Circuit Justice for the United States Court of Appeals for the Sixth Circuit:**

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Alexzandria Orta respectfully requests that the time to file her petition for a writ of certiorari be extended by **forty-five (45) days**, up to and including **Tuesday, January 16, 2024**, accounting for the federal holiday.

On September 1, 2023, the United States Court of Appeals for the Sixth Circuit entered an opinion and judgment affirming the district court's order granting judicial immunity to Mark E. Repp, a former Judge of the Tiffin-Fostoria Municipal Court in Ohio and respondent in the above-captioned case. *See Attachment A.*

The United States Supreme Court now has jurisdiction to review a petition for a writ of certiorari under 28 U.S.C. § 1254(1) and Supreme Court Rule 10. Absent an extension, the Petition for a Writ of Certiorari would be due on November 30, 2023. Applicant files this motion more than 10 days before the petition is due. *See S. Ct. R. 13.5.*

**Background**

This case presents an important question regarding judicial immunity. Specifically, Respondent ordered Ms. Orta—who was sitting quietly in the back of his courtroom and not a participant in any proceeding before his court—to be detained in a probation office until she agreed to take a drug test, and then held her in contempt of court and sentenced her to jail when she refused to comply with Respondent's unlawful order. Respondent's misconduct was so "egregious" and so far out of bounds that

the Ohio Supreme Court suspended his law license and removed him from the bench for one year. *See Disciplinary Couns. v. Repp*, 180 N.E.3d 1128, 1134 (Ohio 2021). Yet the Sixth Circuit still held that because Respondent followed his unconstitutional detention of Ms. Orta with an equally unlawful finding of contempt, his lawless conduct became judicial in nature and entitled to immunity.

The Sixth Circuit's near-absolutist view of judicial immunity is in conflict both with how other circuits apply the exceptions to judicial immunity and with the text and purpose of 42 U.S.C. § 1983. Given the disagreements between the circuits on the judicial immunity test, and recent scholarship on the original text and purpose of § 1983 that this Court has not yet considered, this case is a serious candidate for review.

### **Reasons Why an Extension of Time Is Warranted**

The time to file a Petition for a Writ of Certiorari should be extended for 45 days for the following reasons:

1. Applicant Alexzandia Orta was represented by undersigned counsel in the proceedings below, but undersigned counsel are unable to extend the representation to proceedings in this Court. Undersigned counsel are currently working with Ms. Orta to retain new, *pro bono* counsel.

2. Applicant has recently been in discussions with attorneys from a national law firm with experience practicing before this Court who have expressed serious interest in representing her in filing a petition for certiorari. She therefore believes in good faith that she will retain experienced counsel to allow her to proceed

with this case.

3. Applicant has exercised due diligence in finding Supreme Court counsel since the Sixth Circuit issued its decision. But the attorney who has agreed preliminarily to serve as counsel of record for Ms. Orta's petition for certiorari has been on parental leave.

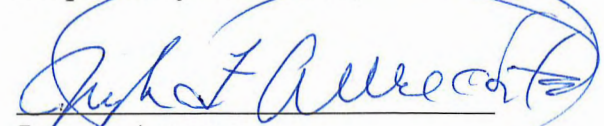
4. With just over one month before Ms. Orta's petition for certiorari is currently due, it would be impossible for Ms. Orta to retain new counsel and for her new counsel to then familiarize themselves with the case and draft a petition before the current deadline of November 30, 2023.

### CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended 45 days, up to and including January 16, 2024.

October 25, 2023

Respectfully submitted,



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