

No.

IN THE
Supreme Court of the United States

ULYSSES LEE FEAGIN,
Petitioner,

v.

MANSFIELD POLICE DEPARTMENT, JORDAN MOORE, MARK BOGGS, and CLAY BLAIR,
Respondents.

**APPLICATION FOR A 30-DAY EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Application to the Honorable Brett M. Kavanaugh,
as Circuit Justice for the Sixth Circuit

Pursuant to Supreme Court Rule 13.5, Applicant Ulysses Lee Feagin hereby requests a 30-day extension of time, to and including March 12, 2026, within which to file a petition for a writ of certiorari.

1. The decision below is *Ulysses Lee Feagin v. Mansfield Police Department et al.*, No. 24-3710 (6th Cir. 2025). The Sixth Circuit issued its opinion on September 11, 2025. *See* App. A. The decision denying Applicant’s petition for panel rehearing, or, in the alternative, for rehearing en banc issued on November 12, 2025. *See* App. B. Unless extended, Applicant’s time to seek certiorari in this Court would expire on February 10, 2026. Applicant is filing this application at least ten days before that

date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. The Sixth Circuit panel majority committed a grave violation of the party-presentation principle in this case. Mr. Feagin brought an excessive force claim against officers who tased him; the tasing incident was captured on video. At summary judgment, the police officers argued they were entitled to qualified immunity because Mr. Feagin was resisting arrest when they tased him, citing their own affidavits and police reports as proof. Mr. Feagin disputed this account, citing the video evidence and his own affidavit. The district court denied qualified immunity upon finding a genuine dispute of material fact: It concluded that a reasonable jury could view the video and agree with Mr. Feagin that he was not resisting arrest at the time he was tased. Respondents appealed from that denial, arguing that they were entitled to qualified immunity because the officers' affidavits and reports conclusively established that Mr. Feagin was actively resisting arrest at the time officers tased him. Appellate courts lack jurisdiction over this kind of fact-based argument in an interlocutory qualified-immunity appeal. But the panel majority nonetheless reversed, and did so by relying on a host of grounds Respondents elected not to raise. The complete lack of adversarial briefing on the issues decided by the Sixth Circuit majority resulted in both egregious factual errors and a sea change in the Sixth Circuit's law on taser use.

3. Good cause exists for a 30-day extension of time to file a petition for a writ of certiorari from the Sixth Circuit's decision. In particular, an extension is justified

by the press of business on numerous other pending matters. Among other things, undersigned counsel has an opening brief due February 17 in *Perez v. Bondi*, No. 21-70023 (9th Cir.); a petition for a writ of certiorari due February 17 in *Hutton v. United States*, No. 24-2202 (9th Cir.); an oral argument on February 18 on a motion to dismiss in *Amigo Shuttle Inc. v. Port Authority of N.Y. & N.J.*, No. 653497/2025 (Sup. Ct. N.Y. Cty.); and a cert reply expected to be filed on February 23, 2025 in *Buyer v. United States*, No. 25-576 (U.S.). Pending matters for Applicant's other counsel include a reply brief due February 10, 2025 in *Johnson & Johnson v. Monroe*, No. A26A0410(Ga. App. Ct) and ongoing pretrial matters in *Glencore Ltd. v. Louis Dreyfus Company B.V.*, No. 23-cv-11125 (S.D.N.Y.).

4. The requested 30-day extension would cause no prejudice to Respondents.

5. For the foregoing reasons, Applicant hereby requests that an extension of time be granted, up to and including March 12, 2026, within which to file a petition for certiorari.

Respectfully submitted,

/s/Daniel A. Rubens

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