No. _____

IN THE

Supreme Court of the United States

JENNIE V. WRIGHT AND SAUL WRIGHT,

Petitioners,

v.

LOUISVILLE METRO GOVERNMENT, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Although Congress enacted 42 U.S.C. § 1983 to hold state actors accountable for violating federal civil rights, the application of inconsistent and unreasonably short state statutes of limitations has impeded access to this important federal remedy. This petition presents the Court an opportunity to revisit the current fifty-state borrowing framework in light of Congress's enactment of a federal catchall statute of limitations in 28 U.S.C. § 1658(a). Section 1658(a) now provides a "suitable" federal rule of decision that did not exist when this Court last addressed the appropriate limitations period for Section 1983 claims. This petition also enables the Court to decide the question it expressly reserved in *Owens v. Okure*, 488 U.S. 235 (1989): whether a one-year state limitations period is inconsistent with the federal interests underlying Section 1983.

The questions presented are:

1. Whether 28 U.S.C. § 1658(a)'s uniform residual limitations period provides a "suitable" federal rule to govern federal claims brought under 42 U.S.C. § 1983.

2. Whether Kentucky's one-year residual personal injury statute of limitations is too short to be consistent with the federal interests underpinning Section 1983.

PARTIES TO THE PROCEEDINGS

Petitioners (plaintiffs-appellants below) are Jennie V. Wright and Saul Wright.

Respondents (defendants-appellees below) are the Louisville Metro Government, Eric Stafford, Timothy Huber, Timothy Liksey, David Eades, Kyle Seng, and Steven Macatee.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

- *Wright, et al. v. Louisville Metro Government, et al.*, No. 24-5965 (6th Cir. July 16, 2025) (affirming grant of motion to dismiss)*
- *Wright, et al. v. Louisville Metro Government, et al.*, No. 21-cv-308 (W.D. Ky. Sept. 19, 2024) (granting motion to dismiss)**

There are no other proceedings in state or federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

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* On the suggestion from the Sixth Circuit in the opinion below, Petitioners' co-plaintiffs, Brendon Burnett and Jawand Lyle moved to alter the district court's judgment under Federal Rule of Civil Procedure 60(b) as applied to them, and the district court granted that motion. Mr. Burnett and Mr. Lyle will file an amended complaint by January 15, 2026. The district court's prior judgment remains in effect with respect to Petitioners. They were not parties to the motion to alter nor will they be parties to the forthcoming amended complaint.

** The district court action has been reopened only with respect to Mr. Burnett and Mr. Lyle.

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Petitioners Jennie and Saul Wright respectfully petition this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The July 16, 2025, decision of the United States Court of Appeals for the Sixth Circuit (App. 1a–17a) is reported at 144 F.4th 817. The district court's September 19, 2024, memorandum ruling granting Defendants' motion to dismiss (App. 18a–26a) is available at 2024 WL 4242060.

JURISDICTION

The Sixth Circuit entered judgment on July 16, 2025. App. 1a. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

RELEVANT STATUTORY PROVISIONS

The relevant U.S. statutory provisions, 28 U.S.C. § 1658, 42 U.S.C. § 1983, and 42 U.S.C. § 1988, are reproduced at App. 27a–29a. Kentucky's residual personal injury limitations period that was applied to the Wrights' claims, Ky. Rev. Stat. Ann. § 413.140, is reproduced at App. 29a–31a.

INTRODUCTION

Section 1983 "provides 'a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation.'" *Wilson v. Garcia*, 471 U.S. 261, 271–72 (1985) (quoting *Mitchum v. Foster*, 407 U.S. 225 (1972)). Because Congress did not include an express limitations period in Section 1983, courts have thus far borrowed limitations periods from state law. The fifty-state borrowing framework, however, has resulted in federal civil rights plaintiffs across the Nation facing inconsistent access to this "uniquely federal remedy." *Id.* For example, while Section 1983 plaintiffs in Florida or Maine have four or six years respectively to bring their federal claims, Section 1983 plaintiffs in Kentucky—like Petitioners Jennie and Saul Wright—have only a single year.

This petition raises two related questions of national and critical importance concerning the appropriate limitations period for Section 1983 that only this Court can address. *First*, this petition provides the Court an opportunity to revisit the fifty-state borrowing framework in light of Congress's enactment of a federal residual limitations period—28 U.S.C. § 1658(a)—which can serve as a "suitable" and uniform federal rule of decision far more consistent with Section 1983. *Second*, the petition squarely presents the question this Court expressly reserved in *Owens v. Okure*: whether a one-year state statute of limitations period is too short to be consistent with the federal interest of Section 1983. 488 U.S. 235, 251 n.13 (1989).

Since the Court decided *Owens*, Congress enacted a four-year statute of limitations for all subsequently enacted federal causes of action that do not include their own express limitations periods. 28 U.S.C. § 1658(a). Under Section 1988's framework and the Court's precedent, courts can borrow from that federal rule to provide a uniform limitations period for all Section 1983 claims. Now that Congress has enacted Section 1658(a), there is no longer any reason to subject plaintiffs to a patchwork of different state limitations periods for their *federal* civil rights claims.

The Court also can address the question that it expressly reserved in *Owens* of whether a one-year state limitations period is too short to apply to Section 1983 claims. Kentucky's one-year limitations period is an outlier, tied with only Tennessee and Puerto Rico for the shortest in the Nation. Because of the practicalities inherent in federal civil rights litigation—including the time needed to recover from trauma, to understand the constitutional implications of an injury, to find counsel or learn to navigate federal litigation *pro se*, to conduct a factual investigation, and to prepare a plausible, well-pleaded complaint—the imposition of Kentucky's one-year limitations period effectively obstructs many meritorious federal civil rights claims in a manner that Congress never countenanced.

The Wrights' experience is illustrative. The Wrights' civil rights were violated when police officers searched their home with a defective search warrant and held them at gunpoint. Because the Wrights live in Kentucky, they were required to file their federal civil rights claim against the police department and individual officers within one year. But the Wrights

needed additional time to discover the identities of the officers. After conducting discovery *pro se*, the Wrights sought to substitute the individual officers for the John Doe defendants, but the courts below held that their amended complaint did not relate back to their initial complaint. In other words, the Wrights had to have conducted discovery into the officers' identities and served an amended complaint within Kentucky's unreasonably short one-year limitations period.

The combination of Kentucky's one-year statute of limitations with the strict relation-back rule allows the Commonwealth to run out the clock on civil rights claims against their officers through the state's own delay. Such a result runs precisely counter to the purpose of Section 1983.

The Court should grant review to assess whether courts should borrow from a uniform *federal* limitations period to govern the quintessential *federal* civil rights statute.

STATEMENT

A. Legal and Statutory Background

After the Civil War, Congress passed the Ku Klux Klan Act, which included as its central enforcement mechanism the provision now codified as 42 U.S.C. § 1983. Pub. L. No. 42-22, § 1, 17 Stat. 13 (1871) (codified as amended at 42 U.S.C. § 1983). Section 1983 empowers citizens with a cause of action for "the deprivation of any rights, privileges, or immunities secured by the Constitution and laws" by any person acting "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory." 42 U.S.C. § 1983. For Congress, Section 1983 "was not

directed at the [Klan] as much as at the state officials who tolerated and condoned them . . . [and who] were unable or unwilling to enforce a state law." *Owens*, 488 U.S. at 250 n.11 (citations omitted).

Section 1983 "has emerged as easily the most important statute authorizing suits against state officials for violations of the Constitution and laws of the United States." W. Baude, et al., Hart and Wechsler's The Federal Courts and the Federal System 1280 (8th ed. 2025); *see also* Martin A. Schwartz, Section 1983 Litigation (3d ed. 2014). Because Section 1983 does not contain its own express limitations period, federal courts have had to look elsewhere to determine the timeliness of such claims. This exercise has proved challenging for courts and was addressed by this Court in a trilogy of cases decided in the 1980s.

The first case was *Burnett v. Grattan*, 468 U.S. 42 (1984), where the Court underscored that the "central objective of § 1983" is "ensur[ing] that individuals whose federal constitutional or statutory rights are abridged may recover damages or secure injunctive relief." *Id.* at 55. This Court applied 42 U.S.C. § 1988, which, "[i]n the absence of specific guidance . . . direct[s] federal courts to follow a three-step process to borrow an appropriate rule" to identify a limitations period for federal civil rights claims. *Id.* at 47. Under that approach, federal courts first "look to the laws of the United States 'so far as such laws are suitable to carry [the civil and criminal civil rights statutes] into effect.'" *Id.* at 48 (alteration in original) (quoting 42 U.S.C. § 1988). Second, "[i]f no suitable federal rule exists," courts consider "application of state 'common law, as modified and changed by the constitution and statutes' of the forum State." *Id.* (quoting 42 U.S.C.

§ 1988). Third, to ensure "the predominance of the federal interest, courts are to apply state law only if it is not 'inconsistent with the Constitution and laws of the United States.'" *Id.* (quoting 42 U.S.C. § 1988).

Given the uncertainty among federal courts regarding which state limitations period to apply, this Court returned to the issue in *Wilson v. Garcia*, 471 U.S. 261 (1985). The Court held that Section 1983's statute of limitations was a federal question and that all Section 1983 actions should be categorized as personal injury actions for the purpose of determining the appropriate limitations period. *See id.* at 268–69, 276. In doing so, *Wilson* sought to "minimize[] the risk that the choice of a state statute of limitations would not fairly serve the federal interests vindicated by § 1983." *Id.* at 279.

Lower courts, however, continued to struggle with the fact that many states had multiple statutes of limitations for personal injury actions, any number of which could apply depending upon the nature of the federal claim.

The Court therefore returned to this question in *Owens v. Okure*, 488 U.S. 235 (1989). There, the Court considered whether a Section 1983 claim brought in New York and arguably subject to a one-year statute of limitations for assault should instead be measured against New York's residual catchall personal injury statute of limitations of three years. The Second Circuit applied the three-year residual limitations period, recognizing that the longer time limit "more faithfully represents the federal interest in providing an effective remedy for violations of civil rights than does the restrictive one year limit." *Okure v. Owens*,

816 F.2d 45, 49 (2d Cir. 1987), *aff'd*, 488 U.S. 235 (1989). The court observed that a longer limitations period was necessary because "[i]njuries to personal rights" are not "necessarily apparent to the victim at the time they are inflicted" as "[e]ven where the injury itself is obvious, the constitutional dimensions of the tort may not be." *Id.* at 48.

This Court unanimously affirmed that decision and explained that, where a state law provides multiple statutes of limitation for personal injury actions, courts generally should borrow the general or residual personal injury statute of limitations. *Owens*, 488 U.S. at 250.

Because the Court endorsed the Second Circuit's decision to use New York's three-year residual limitations period, it expressly noted that it "need not address [respondent's] argument that applying a 1-year limitations period to § 1983 actions would be inconsistent with federal interests." *Id.* at 251 n.13. The Court thus signaled that there could be circumstances in which a state's statute of limitations is too short to be consistent with the federal interests underlying Section 1983, and it explicitly reserved the question of whether a one-year limitations period is too short.

In 1990, after *Owens* was decided, Congress enacted 28 U.S.C. § 1658, which adopted for the first time a *federal* catchall statute of limitations. This Court has not yet addressed whether Section 1658(a) provides a more "suitable" federal analogue under the three-step test in Section 1988 and *Burnett*. *See Burnett*, 468 U.S. at 47–48.

B. Factual Background

On May 7, 2020 (several weeks after the onset of the COVID pandemic), officers with the Louisville Metro Police Department executed early-morning searches on Columbia Street in Louisville, Kentucky. Petitioners Jennie and Saul Wright (the "Wrights") lived at 1732 Columbia Street along with their two then-minor great-nephews. Complaint, Doc. 1-1, ¶¶ 1–2. They were all home that morning when LMPD Officers Eric Stafford, Timothy Huber, Timothy Liksey, David Eades, Kyle Seng, and Steven Macatee (collectively, the "Officers") arrived at the house, announced that the residents of 1736 Columbia Street should come outside, and eventually ordered the Wrights outside and effectively ransacked their home while conducting a search for evidence based on a sealed search warrant which later was determined to be deficient. Doc. 1-1, ¶¶ 8–13; Amended Complaint, Doc. 42 at 3. The Officers also ordered the two minors out of their home at gunpoint and placed the Wrights in handcuffs. Doc. 1-1, ¶¶ 11–13.

The Wrights, who were only partially dressed, were detained while the Officers extensively searched their home, damaging it in the process. Doc. 1-1, ¶¶ 11–12. The Officers did not recover any evidence of illegal activity, and criminal charges were never filed against the Wrights. Doc. 1-1, ¶¶ 16–17. Officer

Huber gave the Wrights a copy of the court order sealing the deficient warrant for their residence dated two days before the search. Doc. 42 at 2.[1]

C. Procedural Background

On May 6, 2021, the Wrights, by counsel, filed a state court action on behalf of themselves and their great-nephews against the Louisville Metro Government and the then-unknown officers who ransacked their home, who were listed as John Doe defendants. App. 2a–3a, 18a. The Wrights asserted federal claims under 42 U.S.C. § 1983 for violations of their federal constitutional rights, as well as several state law claims. *Id*.

Louisville Metro timely removed the action to federal court, and then successfully moved to dismiss the claims against it, leaving only the John Doe defendants in the case. Then proceeding *pro se*, Jennie Wright filed additional papers, including a request to take discovery before the parties' Rule 26(f) conference.

The Wrights submitted an Open Records Act request to Louisville Metro, seeking public records that would identify the full names and badge numbers of those officers whose last names appeared on LMPD's Seized Item Report. After Louisville Metro initially denied that request, stating there were "no responsive police reports for the" May 7, 2020, search by LMPD at 1732 Columbia Street, the Wrights moved *pro se* to

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[1] After a subsequent Inspector General investigation, a report was issued confirming that the search warrant lacked probable cause.

compel the production of public records fully identifying the officers. The magistrate judge granted that motion so that the Wrights could "discover the names and service addresses of the unknown officer defendants." Order, Doc. 37.

On June 13, 2023, the Wrights moved for leave to amend their Complaint to name Stafford, Huber, Liksey, Eades, Seng, and Macatee as the Officers, whose identities had previously been unknown, which the magistrate judge granted.

The Officers then moved to dismiss the Amended Complaint, arguing that the Wrights' claims were untimely and that the Amended Complaint did not "relate back" to their initial Complaint. At this time, the Wrights were still *pro se* and argued that their amended claims were timely because they related back to the initial Complaint. The district court agreed with the Officers and dismissed the Wrights' claims. App. 19a. It determined that the Wrights' amended claims "arrived years after the cause of action accrued" and were thus barred by Kentucky's one-year statute of limitations. App. 21a.

The Wrights, with the assistance of new pro bono counsel, appealed to the Sixth Circuit. The Wrights raised several arguments on appeal. The Wrights first argued that their Amended Complaint substituting the names of the John Doe defendants that the Wrights only learned through post-complaint discovery should "relate back" to the date of their original complaint. The Wrights further argued that if Rule 15 required the Wrights to file their complaint, conduct discovery, and substitute John Doe defendants all within Kentucky's one-year limitations period that

applies to Section 1983, then that limitations period itself is too short to be consistent with the federal interests underpinning Section 1983. The Wrights argued both questions presented here, including that Kentucky's one-year statute of limitations does not control their claims because it is inconsistent with Section 1983's federal interests and because, as a matter of federal law, Section 1658(a) provides the controlling limitations period for their claims. C.A. Doc. 22.

The Officers responded that Section 1658(a) does not apply to Section 1983 claims by its own terms, ignoring that Section 1988's borrowing framework does not require a federal statute to be expressly applicable. Additionally, the Commonwealth of Kentucky, through the Attorney General, filed an amicus brief addressing only the statute of limitations argument because the Commonwealth "has a strong interest in defending its statute of limitations for Section 1983." C.A. Doc. 38 at 1. The Commonwealth did not address any other issues raised in the Wrights' appeal.

On July 16, 2025, in a published opinion, the Sixth Circuit affirmed dismissal of the Wrights' claims. App. 2a. The court squarely addressed the Wrights' legal challenge to Kentucky's one-year limitations period. It first determined that it could not conclude that Section 1658(a) applies to Section 1983 claims because this Court held in *Burnett*, before Section 1658(a)'s enactment, that "[i]t is now settled that federal courts will turn to state law for statutes of limitations in actions brought under the civil rights statutes." App. 12a (alteration in original) (quoting *Burnett*, 468 U.S. at 49). The court acknowledged that it was "neither here nor there" that Section 1658(a)

did not govern Section 1983 claims by its own terms, but it could not evaluate whether Section 1658(a) is "suitable" because "[a]s an inferior court," it could not "upend th[e] settlement" that this Court reached in *Burnett*. App. 12a. So "absent a change in law or Supreme Court precedent," the Sixth Circuit would "not buck *Burnett*." App. 13a. The court separately addressed the Wrights' argument that Kentucky's one-year statute of limitations is too short to be consistent with the federal interests underpinning Section 1983. The court also rejected this argument based on the fact that Congress enacted a one-year limitations period in a different provision, 42 U.S.C. § 1986, even while the Court recognized that the statutory contexts are "distinct." App. 13a (quoting *Brown v. Pouncy*, 93 F.4th 331, 337 (5th Cir. 2024)).

REASONS FOR GRANTING THE PETITION

I. The Court Should Grant Certiorari to Recognize that Section 1658(a) Provides a "Suitable" and Uniform Federal Limitations Period to Govern Section 1983 Claims.

When *Burnett*, *Wilson*, and *Owens* were decided in the 1980s, there was no "suitable" federal law that could supply the limitations period for Section 1983 claims. Courts were therefore left to apply a patchwork of fifty different state limitations periods that created arbitrary results for similarly situated civil rights victims. That system has also allowed some states—like Kentucky—to apply an unreasonably short limitations period to Section 1983 claims that effectively undermines a plaintiff's ability to vindicate their important federal civil rights.

In 1990, Congress enacted Section 1658(a), which provides that, "[e]xcept as otherwise provided by law, a civil action arising under an Act of Congress enacted after the date of the enactment of this section may not be commenced later than 4 years after the cause of action accrues." 28 U.S.C. § 1658(a). This Court has not yet considered how the existence of this federal residual limitations period affects which statute of limitations courts should borrow for Section 1983 claims. This petition presents the Court with the opportunity to recognize that this catchall federal limitations period provides a "suitable" federal rule of decision, under the Section 1988 framework, that is far more predictable, uniform, and consistent with the federal interests of Section 1983.

When the Court previously evaluated Section 1983's limitations period, it explained that Section 1988 "direct[s] federal courts to follow a three-step process" to supply the appropriate rule of decision. *Burnett*, 468 U.S. at 47 (citing 42 U.S.C. § 1988). Under Section 1988, courts first "look to the laws of the United States 'so far as such laws are suitable to carry [the civil and criminal civil rights statutes] into effect.'" *Id.* at 48 (alteration in original) (quoting 42 U.S.C. § 1988).

If a federal law is "suitable," then the federal law controls and the court's job is done. *See id.* Only if "no suitable federal rule exists" do courts proceed to steps two and three of Section 1988's framework: considering the application of the forum state's law and determining whether state law "is not 'inconsistent with the Constitution and laws of the United States.'" *Id.* (quoting 42 U.S.C. § 1988). These steps, however,

"should not be undertaken before principles of federal law are exhausted." *Wilson*, 471 U.S. at 268.

As explained, when the Court decided *Burnett*, there was no "suitable" federal law to provide a limitations period for Section 1983 claims. 468 U.S. at 48–49. The Court determined that other twentieth-century civil rights laws, such as the Civil Rights Act of 1964, could not supply the limitations period for Section 1983 claims because the laws had "independen[t]" "remedial scheme[s]." *Id.* at 49 (discussing *O'Sullivan v. Felix*, 233 U.S. 318, 324–25 (1914), *Johnson v. Ry. Express Agency*, 421 U.S. 454, 459–61 (1975), and *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 416–17 & n.20 (1968)). Because no federal law in existence at the time could supply the appropriate limitations period, the Court proceeded to the second step of Section 1988's framework, and thus directed federal courts to "turn to state law for statutes of limitations" in cases brought under the paramount federal civil rights statute. *Id.*; *accord Wilson*, 471 U.S. at 268–70.

Section 1658(a) now provides a federal solution to this problem. And because the lower courts are bound by precedent, only this Court can reevaluate its prior Section 1988's analysis in light of congressional action that now displaces the use of state limitations periods for the "uniquely federal remedy" of Section 1983. *Wilson*, 471 U.S. at 271–72. Indeed, the Court has observed that "when a rule from elsewhere in federal law clearly provides a closer analogy than available state statutes, and when the federal policies at stake and the practicalities of litigation make that rule a significantly more appropriate vehicle for interstitial lawmaking," the Court has "not hesitated to turn

away from state law." *DelCostello v. Int'l Bhd. of Teamsters*, 462 U.S. 151, 172 (1983).

Under an updated analysis, this Court can conclude that Section 1658(a) is a "suitable" federal law for courts to apply as the limitations period for Section 1983 claims. It is far more consistent with Section 1983's federal interests to fill its missing gap with a uniform *federal* residual statute of limitations than to borrow from a patchwork of fifty different states' residual personal injury limitations periods. At least where a "suitable" federal rule exists, subjecting federal civil rights claimants to wildly divergent time periods for bringing similar federal claims based on the vicissitudes of state tort law is contrary to Section 1983's core purpose of providing a remedy against state officers who violate people's federal civil rights.

In other contexts where a reasonable federal limitations rule is available, this Court has recognized that "state statutes of limitations can be unsatisfactory vehicles for the enforcement of federal law." *DelCostello*, 462 U.S. at 161. The Court has thus "declined to borrow state statutes" and "instead used timeliness rules drawn from federal law—either express limitations periods from related federal statutes, or such alternatives as laches." *Id.* at 162. *See, e.g.*, *McAllister v. Magnolia Petroleum Co.*, 357 U.S. 221, 226 (1958) (applying federal limitations period to admiralty action so seamen obtain "the full benefit of federal law to which they are entitled" (citation omitted)); *DelCostello*, 462 U.S. at 169 (applying analogous federal limitations period to suits by employee against employer and union because Court "ha[d] available a federal statute of limitations actually designed to accommodate" the relevant interests);

Holmberg v. Armbrecht, 327 U.S. 392, 394–95 (1946) (declining to apply state limitations period to federal equitable right).

In *Occidental Life Insurance Co. v. EEOC*, for example, this Court rejected the application of California's one-year limitations period to cases brought by the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964. 432 U.S. 355, 367 (1977). The Court explained that it "has not mechanically applied a state statute of limitations simply because a limitations period is absent from the federal statute." *Id.* Rather, because "[s]tate legislatures do not devise their limitations periods with national interests in mind," it is the "duty of the federal courts to assure that the importation of state law will not frustrate or interfere with the implementation of national policies." *Id.* And because the federal interests at stake weighed towards additional time to bring a claim, it was not appropriate to subject the "federal lawsuits" at issue there "to the vagaries of diverse state limitations statutes, some as short as one year." *Id.* at 370–71.

Application of a state limitations period is particularly improper in a case like this where there is "available a federal statute of limitations" that could "accommodate" the relevant interests and is "more apt than any of the suggested state-law parallels." *DelCostello*, 462 U.S. at 169. Here, applying the federal residual limitations period to Section 1983 claims is much "more apt" than applying the patchwork of fifty different state law residual or personal injury statute of limitations.

This is especially appropriate because Section 1988's framework requires courts to look to federal law *first*. Under the first step of Section 1988's borrowing framework, courts survey federal law to determine whether a "suitable" limitations period exists. *Burnett*, 468 U.S. at 42. Section 1658(a) meets that bar. That provision represents Congress's considered determination of the appropriate balance between providing federal plaintiffs sufficient time to bring their claims and ensuring that all claims are brought in a timely manner. *See* Joseph E. Worcester, *A Dictionary of the English Language* 1444–45 (1860) (defining "suitable" as "[f]itting; fit; meet; conformable; proper; appropriate; becoming; agreeable; answerable; convenient"); Noah Webster, *An American Dictionary of the English Language* 808 (1857) (defining "suitable" as "[f]itting;" and "[a]dequate").

Writing for the court of appeals, Judge Thapar recognized that Section 1658(a) may be "suitable" for Section 1983 claims. As he explained, Section 1658(a) can "apply" to Section 1983 claims "if it is 'suitable' to section 1983" and it is "neither here nor there" that Section 1658(a) applies by its terms to subsequently enacted statutory causes of action. App. 12a. The relevant question is whether Section 1658(a) is "suitable" for Section 1983 claims. *Id.* And it is: to be sure, Section 1658(a) is no less suitable than a state-law limitations period for state-law personal injury torts. Indeed, the very premise of the inquiry under Section 1988's framework is that the federal law supplying the rule of decision need not be expressly applicable. If a statute were directly applicable, there would be no need for the separate borrowing analysis.

While federal courts currently borrow state law under steps two and three of Section 1988's framework, the Court has always acknowledged that borrowing state law is a second-best solution. "Congress surely did not intend to assign to state courts and legislatures a conclusive role in the formative function of defining and characterizing the essential elements of a federal cause of action." *Wilson*, 471 U.S. at 269. And the "applicability of different state statutes of limitations" to Section 1983 claims has "bred chaos and uncertainty." *Owens*, 488 U.S. at 243.

The state-borrowing scheme is a particularly odd fit for Section 1983 actions given that Section 1983 provides a "uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation," and operates to "override certain kinds of state laws." *Wilson*, 471 U.S. at 271–72 (citations omitted); *see also* Kimberly Norwood, *28 U.S.C. § 1658: A Limitations Period with Real Limitations*, 69 Ind. L.J. 477, 513–14 (1994) ("If . . . the ineffectiveness of state law was the reason for § 1983's enactment, there is little logic in allowing state law to govern how long the federal claim should survive."). In other words, the state-borrowing scheme empowers states to unduly restrict the sweep of Section 1983—the federal cause of action that itself serves as a check on state officials' exercise of their authority.

The Court has previously stressed the virtue of the uniform application of federal law as "[i]t is, of course, true that uniform operation of a federal law is a desirable end, and other things being equal, we often have interpreted statutes to achieve it." *Davies Warehouse Co. v. Bowles*, 321 U.S. 144, 155 (1944) (collecting

cases). And that straightforward proposition has been further emphasized in the Section 1983 context because "the federal interest in uniformity and the interest in having 'firmly defined, easily applied rules,' support the conclusion that Congress intended the characterization of § 1983 to be measured by federal rather than state standards." *Wilson*, 471 U.S. at 270 (citation omitted).

Applying Section 1658(a) as the appropriate reference point would ensure federal uniformity and eliminate the arbitrariness and unfairness of the current fifty-state approach. With the benefit of Section 1658(a) as a "suitable" rule of decision, courts no longer need to perpetuate a flawed regime in which plaintiffs in Maine and North Dakota have six years to vindicate their federal civil rights under Section 1983 whereas citizens in Kentucky, Tennessee, and Puerto Rico have only a single year. Similarly, plaintiffs (and defendants) would no longer be forced to navigate the differences and complexity of state law to determine what statute of limitations applies to their federal claims, including determining whether their state has a single or multiple personal injury limitations periods. The four-year residual limitations period that Congress provided in Section 1658(a) enhances predictability—which is "a primary goal of statutes of limitations," *Owens*, 488 U.S. at 240—while maintaining the national interest in the uniform application of federal law.

Applying Section 1658(a) instead of the patchwork of fifty state limitations statutes is the better answer based on the text of Section 1988. At oral argument in a similar case before the Fifth Circuit, Judge Ho

suggested that relying on Section 1658(a) and "replacing the state-by-state strangeness with a uniform four year [limitations period]" "seems to be more textual" than the current fifty-state borrowing regime. Oral Argument at 15:30–16:58, *Brown v. Pouncy*, No. 22-30691 (5th Cir. Oct. 4, 2023).[2]

Despite recognizing that Section 1658(a) could provide a "suitable" federal solution under Section 1988, the Sixth Circuit determined that only this Court could address that question. "As an inferior court," the Sixth Circuit could not "upend" *Burnett*'s application of state limitations periods to Section 1983 claims "absent a change in law or Supreme Court precedent." *Id.* Until this Court clarifies that Section 1658(a) now provides a "suitable" federal rule of decision for Section 1983 claims, *Burnett*'s obsolete interpretation of Section 1988 will continue to control across the Nation.

At a minimum, Section 1658(a) provides an alternative that courts can apply where a state's residual period fails the third step of Section 1988's framework

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[2] https://www.ca5.uscourts.gov/OralArgRecordings/22/22-30691_10-4-2023.mp3. Because "Congress has not prescribed a limitations period to govern" Section 1983 claims and because applying Kentucky's one-year period to the Wrights' claims "would frustrate the purposes the of federal enactment," the Court could also determine that based on the statutory text, it "should apply . . . no limitations period at all." *N. Star Steel Co. v. Thomas*, 515 U.S. 29, 37 (1995) (Scalia, J., concurring in the judgment). *See infra* Part II. In such circumstances, federal common law can provide alternatives—such as laches—to protect against stale claims. *See McAllister*, 357 U.S. at 224–25; *see also* Robert M. Jarvis & Judith Anne Jarvis, *The Continuing Problem of Statutes of Limitations in Section 1983 Cases: Is the Answer Out at Sea?*, 22 J. Marshall L. Rev. 285, 291–93 (1988).

because it is "inconsistent with the Constitution and laws of the United States." *Burnett*, 468 U.S. at 48 (quoting 42 U.S.C. § 1988). Where, as here, a state's residual personal injury limitations period is practically too short to serve the federal interests of Section 1983, courts must find a more suitable alternative. Rather than search for yet another state limitations period, federal law provides a clear answer: Section 1658(a).

As further explained below, one year does not provide federal plaintiffs with sufficient time to vindicate their federal rights—as illustrated by the Wrights' experience in having their amended complaint deemed time-barred after they worked without counsel to discover basic facts such as the identity of the officers who violated their rights. After analyzing Section 1988 under *Burnett* and *Owens*, a court would still be left without a limitations period to apply to these plaintiffs' Section 1983 claims. In these circumstances, Section 1658(a) represents Congress's determination of the appropriate limitations period where federal law has not otherwise provided a statute of limitations. Section 1658(a) thus serves as the correct limitations period and failsafe for plaintiffs, who have been stymied by a restrictive state-law provision, to vindicate their federal civil rights.

II. The Court Can Also Grant Certiorari to Decide the Question It Left Open in *Owens*: Whether a One-Year State Limitations Period Is Inconsistent with the Federal Interests of Section 1983.

In *Owens*, this Court cautioned that a state limitations period could be so short as to be "inconsistent

with [the] federal interests" underpinning Section 1983, and it explicitly reserved the question whether a one-year period fit within that category for a future case. *Owens*, 488 U.S. at 251 n.13. This petition squarely presents this question.

The Wrights' civil rights claims were held untimely because Kentucky has the shortest statute of limitations for Section 1983 claims—tied with only Tennessee and Puerto Rico—at a single year. Granting review here would allow the Court to address the substantial and important question it reserved in *Owens*: whether a one-year state statute of limitations is inconsistent with federal interests and undermines Section 1983 by practically frustrating federal civil rights claims. Regardless of whether the Court applies Section 1658(a) as a "suitable" federal law to govern Section 1983 claims generally, it should at least clarify that a one-year state limitations period is too short to be consistent with federal law.

This Court has made clear that state procedural rules—such as statutes of limitations—cannot operate in a way that contravenes Section 1983's primary legislative purpose to hold state actors accountable for federal civil rights violations. *See id.* at 249 n.11; *Burnett*, 468 U.S. at 53. And when "particular state concerns are inconsistent with, or of marginal relevance to, the policies informing the Civil Rights Act, the resulting state statute of limitations may be inappropriate for civil rights claims." *Burnett*, 468 U.S. at 53. As a result, courts do not apply a state's limitations period if doing so "defeat[s] either § 1983's chief goals of compensation and deterrence or its subsidiary goals of uniformity and federalism." *Hardin v. Straub*, 490 U.S. 536, 539 (1989) (footnote omitted);

see also Johnson v. Garrison, 805 F. App'x 589, 593 (10th Cir. 2020) (holding that Oklahoma's lack of a tolling provision for Section 1983 was contrary to Section 1983's goals and the practicalities involved in litigating federal civil rights claims).

When the Court decided *Owens*, it determined that the operative limitations period for Section 1983 claims is the forum state's residual personal injury statute of limitations. While the Court stressed that the patchwork solution it fashioned would promote "predictability in all 50 States," it did so only in the absence of a viable federal solution at that time. *Owens*, 488 U.S. at 243. To ensure that states could not use this borrowing scheme to undercut federal interests, the Court reserved its ability to assess whether a state limitations period might be *too short* to accommodate federal interests. *Id.* at 251 n.13.

In reserving this question, the Court recognized that, so long as Section 1983 depends upon state procedural rules, federal courts—and, in particular, this Court—must act as a check on impermissible state legal regimes. Otherwise, states would be free to undermine the scope and efficacy of Section 1983, limiting federal civil rights plaintiffs' ability to seek redress from the very state actors that statute is designed to hold accountable. *Owens*, 488 U.S. at 249 n.11. Put differently, the "predictability" promoted by *Owens* was never meant to vitiate the requirement that a state statute of limitations "afford a reasonable time to the federal claimant." *Id.* at 251 n.13 (quoting *Burnett*, 468 U.S. at 61).

Kentucky's one-year limitations period presents these exact concerns. In *Burnett*, this Court explained

that "[a] state law is not 'appropriate' if it fails to take into account practicalities that are involved in litigating federal civil rights claims and policies that are analogous to the goals of the Civil Rights Acts." 468 U.S. at 50; *see also McDonald v. Salazar*, 831 F. Supp. 2d 313, 319 (D.D.C. 2011) ("A proper limitations provision must account for the characteristics of litigation under the analogous federal statute, including the policies underlying and the practicalities involved in litigating the federal cause of action."). Under that standard, a one-year statute of limitations, like Kentucky's, simply does not provide claimants enough time to address the several practicalities involved in filing federal civil rights suits. As the Second Circuit explained in *Okure*, a three-year timeframe "more faithfully represents the federal interest in providing an effective remedy for violations of civil rights than does the restrictive one year limit." 816 F.2d at 49, *aff'd,* 488 U.S. 235 (1989).

Federal civil rights plaintiffs face myriad practical hurdles to bringing a Section 1983 action. The Court has recognized that "[l]itigating a civil rights claim requires considerable preparation." *Burnett*, 468 U.S. at 50. At the outset, a plaintiff must "obtain counsel, or prepare to proceed *pro se*," "conduct enough investigation to draft pleadings that meet the requirements of federal rules," "establish the amount of his damages, prepare legal documents, pay a substantial filing fee or prepare additional papers to support a request to proceed in forma pauperis, and file and serve his complaint." *Id.* at 50–51. And these steps all take time because injuries to civil rights are not "necessarily apparent to the victim at the time they are

inflicted," and "[e]ven where the injury itself is obvious," *Okure*, 816 F.2d at 48, "[a]n injured person must recognize the constitutional dimensions of his injury," *Burnett*, 468 U.S. at 50.

The Wrights' case illustrates many of these and other practical hurdles that Section 1983 plaintiffs face. For example, the Wrights had to spend considerable time trying to understand the nature of their claims and then finding counsel who could help them advance those claims. Finding counsel for Section 1983 claims in Kentucky is particularly challenging given the limited number of attorneys willing to take on such cases—especially with Kentucky's unduly short time restriction—and the costs of hiring paid counsel.[3] And those attorneys who do take on Section 1983 litigation may lack the appropriate civil rights expertise, resulting in deficiencies in the quality of representation.[4] For those unable to afford paid counsel, finding pro bono assistance is also difficult and time-consuming. As with many Section 1983 plaintiffs, the Wrights eventually proceeded *pro se*, which created additional challenges to understand and navigate complex federal litigation, including threshold discovery disputes. The Wrights were forced to try to

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[3] *See, e.g.*, Joanna C. Schwartz, *Civil Rights Without Representation*, 64 Wm. & Mary L. Rev. 641, 650–52 (2023).

[4] *See, e.g.*, Nancy Leong, Katelyn Elrod & Matthew Nilsen, *Pleading Failures in Monell Litigation*, 72 Emory L.J. 801, 804 (2024); *see also* Jason Marcus, *All Quiet on the Eastern Front: Legal Malpractice, Tolling, and the Systemic Barriers Facing Eastern Kentuckians*, 114 Ky. L.J. Online (2025) ("three out of four adults" in Eastern Kentucky "read[s] below an eighth-grade level" so they "depend entirely on their lawyers to navigate the legal system").

learn the relevant laws and procedures all while processing and addressing the physical and mental trauma they experienced after a police squad unlawfully raided their home and held them at gunpoint.[5] In fact, under Kentucky's restrictive regime, the Wrights' great-nephews—who were also at home during the raid—were expected to bring their claims within just one year of their eighteenth birthdays.

Like many Section 1983 plaintiffs, the Wrights also faced the challenge of trying to discover the identities of the unnamed state officers—the John Doe defendants—who ransacked their home. Because Federal Rule of Civil Procedure 15(c) has been interpreted not to permit "relation back" when plaintiffs amend their complaints to name John Doe defendants, *see Zakora v. Chrisman*, 44 F.4th 452, 482 (6th Cir. 2022), the Wrights were effectively forced to file their complaint, conduct discovery to learn the Officers' identities, and then substitute those names in an amended complaint all within the single year permitted under Kentucky law for Section 1983 claims. This combination of Rule 15(c)'s rigid standard and Kentucky's restrictive one-year limitations period imposes an impossible hurdle for many civil rights plaintiffs. And it leads to outcomes that, as the district court put

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[5] *See* Martin S. Greenberg & R. Barry Ruback, *After the Crime: Victim Decision Making*, 1–15, *in* 9 *Perspectives in Law & Psychology* (1992) (explaining that after suffering trauma, victims often struggle in deciding whether they should report the crime).

it here, "may understandably appear harsh from the perspective of a *pro se* litigant." App. 24a.[6]

Kentucky's rule even applies in a case like this where the defendants stymie plaintiffs' efforts to discover even basic information. The Louisville Metro Government resisted the Wrights' Open Records Act requests, and the Wrights were therefore forced to file motions in district court seeking discovery. Under this regime, the Wrights were at the mercy of the local government—the defendants in their case—to provide the Officers' names quickly enough to allow them to file their claims within one year of their injuries. But allowing state officials to restrict a civil rights plaintiff's access to federal court is in serious tension with Congress's "realiz[ation] that state officers might, in fact, be antipathetic to the vindication of [federal] rights." *Mitchum v. Foster*, 407 U.S. 225, 242 (1972). State officers cannot be permitted to obstruct plaintiffs' access to Section 1983's federal remedy, which operates to "override certain kinds of state laws"—not be constrained by them. *Wilson*, 471 U.S. at 271–72.

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[6] *See* Howard M. Wasserman, *Civil Rights Plaintiffs and John Doe Defendants: A Study in Section 1983 Procedure*, 25 Cardozo L. Rev. 793, 797–98 (2003) (the use of John Doe defendants is "most common and most necessary" in Section 1983 actions because those cases "emphasize[] the liability of the individual officer" rather than the "government entity"); Teressa Ravenell, *Unidentified Police Officials*, 100 Tex. L. Rev. 891, 898–99 (2022) (In Section 1983 actions, plaintiffs are "unlikely to have a pre-existing relationship with the defendants," and are thus "less likely to have the information necessary to identify the defendant.").

The application of Kentucky law to the Wrights' Section 1983 claims—especially combining the extremely short limitations period with the court of appeals' restrictive interpretation of Rule 15—unduly restricts their and other federal civil rights plaintiffs' ability to bring these "uniquely federal" claims. *Wilson*, 471 U.S. at 272. Both courts below expressed sympathy for the Wrights' plight, including by acknowledging that "it does seem 'harsh from the perspective of a *pro se* litigant' when their amended complaint is dismissed as time-barred after being ordered 'to discover the identities of unknown officers.'" App. 11a (quoting App. 24a). Absent meaningful guidance from this Court, states like Kentucky can continue to impose whichever limitations period they see fit—including as short as one year—without regard to whether such state-law rules defeat Section 1983's purpose of vindicating federal civil rights violated by state officers.

In the decision below, the court of appeals held that a one-year limitations period is not necessarily too short to vindicate Section 1983's federal interests because Congress imposed a one-year limitations period in a different provision, for actions against those who conspire to deprive individuals of their civil rights. App. 13a (citing 42 U.S.C. § 1986). But, as the court below itself acknowledged, "[o]f course, section 1983 and section 1986 claims 'are distinct.'" App. 13a (quoting *Brown*, 93 F.4th at 337). Section 1986 addresses a discrete type of claim involving conspiracy liability, which was the result of a compromise reached after Congress rejected the controversial Sherman Amendment. *See Monell v. Dep't of Soc.*

Servs., 436 U.S. 658, 665–69 (1978) (discussing history of Sherman Amendment). The one-year statute of limitations in Section 1986 cabined the reach of a provision that imposed liability far more broadly than Section 1983 on persons that failed to *prevent* civil rights violations. The *lack* of such a comparably short limitations period in the text of Section 1983 demonstrates that Congress did not believe that a one-year period would be appropriate for the core federal civil rights remedy for *direct* violations. And if Justice Rehnquist's concurrence in *Burnett* had already made clear that one year was also sufficient for Section 1983 claims, there would have been no reason for this Court to expressly reserve this question in *Owens*. 488 U.S. at 251 n.13.

This Court can grant the petition to answer that question it explicitly reserved in *Owens* and make clear that "applying a [one]-year limitations period to § 1983 actions [is] inconsistent with federal interests." *Owens*, 488 U.S. at 251 n.13. And when a state limitations period is too short, courts can instead apply Section 1658(a)'s four-year federal catchall limitations period. That provision "clearly provides a closer analogy" for Section 1983 claims than the outlier one-year limitations periods, and "the federal policies at stake and the practicalities of litigation make that rule a significantly more appropriate vehicle for interstitial lawmaking," so the Court should not "hesitate[] to turn away from state law." *DelCostello*, 462 U.S. at 171–72. *See also supra* at 14–16.

III. The Application of Fifty Different State Limitations Periods Creates Unequal Access to Federal Civil Rights Claims.

This Court's review is warranted because the questions presented raise issues of national and critical importance regarding this Nation's core federal civil rights remedy. Currently, all fifty states (and U.S. territories) are effectively split about the appropriate statute of limitations for federal civil rights claims. Based solely on geography, plaintiffs in the outlier jurisdictions face an unreasonably short limitations period that effectively thwarts their ability to bring meritorious Section 1983 claims.

The application of Kentucky's one-year residual personal injury statute of limitations to the Wrights' Section 1983 claims illustrates that federal civil rights plaintiffs are afforded different access to a *federal* remedy for *federal* civil rights violations based solely on where they live. Kentucky's one-year period is tied for the shortest in the Nation. *See also* Tenn. Code Ann. § 28-3-104; P.R. Laws Ann. tit. 31, § 5298(2). Had the Officers violated the Wrights' civil rights in nearly any other state, their claims would have been governed by a longer limitations period that would have provided them more time to develop and investigate their claims before being forced to race to the courthouse. *See, e.g.*, Mich. Comp. L. § 600.5805(2) (three years); Mo. Rev. Stat. § 516.120(4) (five years); Me. Stat. tit. 14 § 752 (six years). This "disparate treatment is particularly troubling when the individual's federally protected civil rights are at stake." Katharine F. Nelson, *The 1990 Federal "Fallback" Statute of Limitations: Limitations by Default*, 72 Neb. L. Rev. 454, 483 (1993).

There is no good reason that plaintiffs' access to a foundational federal cause of action should turn on the benevolence of their state legislatures, which "do not devise their limitations periods with national interests in mind." *Occidental Life*, 432 U.S. at 367. That is especially true here because "[t]he high purposes of [Section 1983] make it appropriate to accord the statute 'a sweep as broad as its language.'" *Wilson*, 471 U.S. at 272 (quoting *United States v. Price*, 383 U.S. 787, 801 (1966)). Section 1983 was designed to "override certain kinds of state laws"—not be constrained by them. *Id.* Applying fifty different state limitations periods is therefore inconsistent with the text and purpose of the statute, especially in lieu of a suitable federal catchall limitations period devised by Congress. Section 1658(a), a "suitable" uniform federal limitations period that did not exist when *Burnett, Wilson*, and *Owens* were decided, can now end the current system of disparity among federal civil rights victims.

At minimum, all federal civil rights plaintiffs—regardless of geography—are entitled to a reasonably sufficient time to bring their claims. As almost all other states have recognized, the mere one year applicable under Kentucky law does not provide plaintiffs like the Wrights with sufficient time to develop the information and evidence necessary to bring their federal claims. This is particularly true where, as here, plaintiffs are not permitted to substitute the names of unknown state officials after that one year has run. States must, at minimum, provide a limitations period that satisfies the threshold federal interests underlying Section 1983. By granting review here, the Court can ensure the availability of

Section 1983 to all Americans by recognizing that outlier states may not curtail their residents' federal civil rights with a one-year limitations period.

Review is necessary because the lack of uniformity in the application of a federal remedy for the infringement of federal rights can only be corrected by this Court. The decision below recognized that Section 1658(a) could provide a "suitable" federal solution under Section 1988, but the panel believed it was bound by the Court's express statement in *Burnett* that "'it is now settled'" that state limitations periods apply to Section 1983 claims. App. 12a (alteration in original) (quoting *Burnett*, 468 U.S. at 49). Similarly, the Fifth Circuit held that it was bound by *Burnett* and *Owens* to continue applying state-limitations periods to Section 1983 claims. *Brown*, 93 F.4th at 338. In short, "[o]nly the Supreme Court" can provide the answer about whether a one-year limitations period, like Kentucky's, can continue to hinder Section 1983 claims. *See id.*

IV. This Case Provides an Ideal Vehicle to Resolve Important Questions That Will Be Difficult to Raise in Future Cases.

The Wrights' petition is an excellent vehicle to address the questions presented. The Wrights' Section 1983 claims against the Officers were dismissed solely based on timeliness. App. 7a. Because the Wrights were unable to learn the Officers' identities and amend their complaint to name them within Kentucky's one-year period, the courts below held, the

Wrights could not pursue relief. App. 8a–11a, 19a–24a.[7]

The Sixth Circuit squarely addressed the core question the Wrights raise here: whether Kentucky's one-year limitations period is insufficient for Section 1983 claims as a matter of federal law. App. 11a–13a. The court of appeals addressed both arguments the Wrights present to this Court: that Section 1658(a) controls under Section 1988's framework and that one year is insufficient to vindicate the federal interests underpinning Section 1983. App. 11a–13a. And the court did so in a published opinion after full briefing, including an amicus brief from the Kentucky Attorney General that solely addressed the propriety of applying Kentucky's one-year limitations period to Section 1983 claims.

Review is particularly warranted here because the Court is unlikely to have many additional opportunities to address these important questions. Now that the Sixth Circuit has squarely addressed these arguments in a published and reasoned decision, it is unlikely to do so again in a future case. The opinion below will be binding on all future challenges brought against Kentucky's and Tennessee's one-year limitations period—both of which are in the Sixth Circuit.

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[7] This Court need not consider the additional arguments the Wrights raised below to show that their claims are timely, including that their amended complaint "relates back" to their initial complaint under Federal Rule of Civil Procedure 15(c). A decision holding that Kentucky's one-year limitations period does not control the Wrights' claims would grant complete relief and allow the lower courts to consider the merits of the claims.

Recent experience in the Fifth Circuit confirms that future opportunities to review these questions will be sparse. After that court decided *Brown*, which raised a similar challenge to Louisiana's one-year statute of limitations, it summarily dismissed later cases in unpublished per curiam decisions. *See, e.g.*, *Monroe v. Conner*, 2024 WL 939735 (5th Cir. Mar. 5, 2024).[8]

Because of the binding nature of this Court's decisions in *Burnett* and *Owens*, the Sixth Circuit believed it was not empowered to take a fresh look at Section 1988's framework despite the later enactment of Section 1658(a). *See* App. 12a–13a. The Fifth Circuit similarly observed that "[o]nly the Supreme Court" can resolve the question of continuing to apply unduly short state limitations periods to Section 1983 claims. *Brown*, 93 F.4th at 338.

This petition thus presents this Court with the rare but important opportunity to revisit its outdated precedent interpreting the statutory framework that governs the Nation's core federal civil rights statute. By granting certiorari, this Court can recognize that Congress' enactment of Section 1658(a) now provides a "suitable," uniform, and *federal* alternative to the current fifty-state borrowing framework. This Court can also answer the question it explicitly reserved in

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[8] After the Fifth Circuit's decision in *Brown*, the Louisiana state legislature extended the operative limitations period so that Section 1983 plaintiffs would have two years to bring their claims. *See* 2024 La. Sess. Law Serv. Act 423, § 4. Kentucky, however, has not expressed any intent to lengthen the statute of limitations applied to Section 1983 claims, as further evidenced by the Kentucky Attorney General's amicus brief filed below.

Owens and hold that a one-year state limitations period is too short to serve the federal interests of Section 1983. On both questions presented, this Court can ensure that all federal civil rights victims, regardless of state, are guaranteed access to Section 1983's "uniquely federal remedy."

CONCLUSION

The petition should be granted.

Respectfully submitted,

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