

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

LaTausha Simmons, Plaintiff-Appellant-Petitioner

v.

Wayne County, MI, et al., Respondents.

Originating Case No. 25-1479 in the Sixth Circuit Court of Appeals

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI

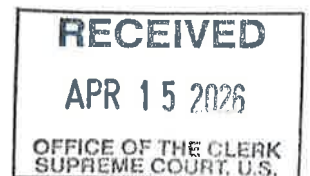
To the Honorable Brett M. Kavanaugh, Associate Justice of the United States Supreme Court and Circuit Justice for the Sixth Circuit:

1. Petitioner, LaTausha Simmons proceeding *Pro Se*, *in forma pauperis*, respectfully moves, pursuant to Rule 13.5 of the Rules of this Court, for an extension of time of ninety (90) days within which to file a Petition for a Writ of Certiorari seeking review of the judgment of the United States Court of Appeals for the Sixth Circuit entered on March 6, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). This application is and was submitted more than ten (10) days prior to the scheduled filing date for the Petition. See S. Ct. R. 13.5.

2. Absent an extension, the deadline for filing the Petition is June 4, 2026. Petitioner respectfully requests that the time be extended for the maximum period permitted, up to and including September 2, 2026. This Motion is timely filed in compliance with Rule 13.5.

The pertinent date is:

a: March 6, 2026, Order Affirming the district court's Order, a copy of the order is attached hereto as Exhibit A



3. Good cause exists for the requested extension due to the exceptional procedural history and constitutional magnitude of the issues presented. Petitioner's underlying action arises under 42 U.S.C. § 1983 and involves serious violations of federal and state law, including false arrest, false imprisonment, excessive force, assault, battery, and malicious prosecution by the Wayne County Sheriff's Department, Wayne County Jail, and the State of Michigan Center for Forensic Psychiatry. And also involves the denial of Petitioner's who is indigent and similarly situated indigent individual(s)' First Amendment Rights to seek redress against the government for violations of constitutional rights under the United States Constitution,

4. Petitioner initially filed her complaint by United States mail in compliance with the district court's COVID-19 procedures, which expressly directed litigants to submit filings by mail due to restricted courthouse access. Petitioner's complaint was timely postmarked; however, the district court failed to provide notice of any change to those procedures prior to Petitioner's submission, resulting in procedural prejudice.

5. In February 2023, the district court dismissed Petitioner's claims based on a Report and Recommendation that erroneously concluded that Petitioner failed to state a plausible claim for relief. The district court further violated Petitioner's due process rights in October 2023 by denying her the ability to exceed page limitations necessary to fully present objections to that recommendation. On appeal, the United States Court of Appeals for the Sixth Circuit affirmed the district court's decision on March 6, 2026. In doing so, the court of appeals erred by asserting that Petitioner challenged only the underlying dismissal of her case and not the denial of her motion to reinstate, concluding that she had forfeited the latter argument.

6. Notwithstanding that conclusion, the court proceeded to address the merits and held that the district court did not abuse its discretion in denying the motion as untimely. The court of appeals further erred in concluding that Petitioner failed to provide a basis for the delay in filing her motion to reinstate approximately eight months later. The record clearly reflects that Petitioner expressly cited her unlawful arrest, imprisonment, and resulting medical and legal hardships as the cause for the delay. Despite these extraordinary circumstances, the court of appeals concluded that the district court acted within its discretion in denying reinstatement.

7. Good cause for the requested extension is further established by the substantial and recurring constitutional violations presented in this case under the Fourth and Fourteenth Amendments. Petitioner's claims arise from unlawful arrest and imprisonment that terminated in her favor, forming the basis of her underlying 42 U.S.C. § 1983 action. It is well established that a claim for false arrest and false imprisonment under § 1983 is grounded in the Fourth Amendment's protection against unreasonable seizures. See *Wallace v. Kato*, 549 U.S. 384, 388–89 (2007). Likewise, malicious prosecution claims implicate both the Fourth Amendment and the procedural guarantees of the Fourteenth Amendment. See *Thompson v. Clark*, 596 U.S. 36, 43–44 (2022).

8. The procedural posture of this case also presents serious Fourteenth Amendment due process concerns. The Supreme Court has long held that “[t]he fundamental requisite of due process of law is the opportunity to be heard.” *Grannis v. Ordean*, 234 U.S. 385, 394 (1914). Here, Petitioner was effectively denied that opportunity when the district court enforced page limitations in a manner that prevented full and fair presentation of objections to a dispositive Report and Recommendation.

9. Such restrictions, when applied to preclude meaningful participation, violate the core requirements of procedural due process. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring meaningful opportunity to present one’s case).

10. Additionally, the denial of Petitioner’s ability to timely pursue appellate review due to unconstitutional incarceration raises fundamental concerns regarding access to the courts. The Supreme Court has repeatedly recognized that prisoners and litigants must be afforded a “reasonably adequate opportunity” to present their claims. *Bounds v. Smith*, 430 U.S. 817, 825 (1977). The Court later clarified that denial of access to the courts constitutes a constitutional violation where it results in actual injury, including the inability to pursue legal claims. *Lewis v. Casey*, 518 U.S. 343, 351–52 (1996). Here, Petitioner’s unlawful arrest and imprisonment from January 2024 through March 2024 directly impeded her ability to comply with appellate deadlines, constituting precisely the type of “actual injury” recognized by this Court.

11. Moreover, the Supreme Court has acknowledged that procedural rules must yield where their rigid application would deprive a litigant of due process under extraordinary circumstances. See *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 433 (1982) (holding that a litigant cannot be deprived of a claim due to the operation of procedural rules beyond her control). Petitioner’s inability to meet deadlines due to unconstitutional detention and subsequent medical hardship falls squarely within such circumstances.

12. The court of appeals’ affirmance further compounds these constitutional concerns. By mischaracterizing Petitioner’s arguments as forfeited while simultaneously addressing the merits, the United States Court of Appeals for the Sixth Circuit departed from fundamental appellate principles and deprived Petitioner of meaningful review.

13. This Court has emphasized that pro se filings must be liberally construed to ensure access to justice. See *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972). The failure to do so here resulted in the improper application of forfeiture doctrines in a manner inconsistent with due process.

14. Finally, this case presents issues of exceptional public importance extending beyond Petitioner’s individual claims. It implicates the constitutional adequacy of court procedures implemented during emergency conditions, including COVID-19 filing restrictions, and the obligations of courts to provide notice before altering those procedures. It further raises significant questions regarding the treatment of pro se litigants whose ability to comply with procedural rules is compromised by unconstitutional confinement. These issues are recurring in nature and warrant careful consideration by the Supreme Court of the United States.

15. For all of these reasons, the constitutional magnitude of the issues presented, combined with the extraordinary circumstances affecting Petitioner’s ability to litigate, establish compelling good cause for the requested extension of time.

16. The issues presented in this case involve substantial questions concerning due process, access to the courts, the proper application of procedural rules in the context of extraordinary circumstances, and the treatment of pro se litigants facing unconstitutional confinement during critical litigation periods. Preparation of a petition for writ of certiorari requires careful analysis of these complex issues, the extensive procedural record, and governing precedent. As such, this case also involves, the exceptional public importance, *i.e.* nationwide police brutality with the use of excessive force, which is a violation of the Fourth Amendment to the U.S. Constitution.

17. The right to be free from excessive force is a clearly established Fourth Amendment right.” *Id.* at 554–55 (citing *Neague v. Cunkar*, 258 F.3d 504, 507 (6th Cir. 2011)).

18. An extension will not cause prejudice to Respondents.

19. Petitioner is proceeding without counsel and has limited access to legal resources. In light of the complexity of the case, the constitutional significance of the issues, and the extraordinary circumstances affecting Petitioner’s ability to litigate, additional time is necessary to prepare a petition that adequately presents the issues for this Court’s review. This request is made in good faith and not for purposes of delay, but to ensure that the important federal questions raised are fully and properly presented.

For the foregoing reasons, Petitioner respectfully prays that this Honorable Court grant an extension of time of ninety (90) days, up to and including September 2, 2026, within which to file a Petition for Writ of Certiorari.

Respectfully submitted, this the 5th day of March, 2026.


/s/LaTausha Simmons
LaTausha Simmons
20500 Dean St
Detroit, Michigan 48234
Phone N/A
Email N/A

CERTIFICATE OF SERVICE

I, LaTausha Simmons, certify that I have this day served the foregoing Motion for Extension of Time to file Direct Appeal by first-class mail, postage prepaid, addressed to opposing counsels of record for the Wayne County Corporation Counsel and the Michigan Center for Forensic Psychiatry, this the 5th day of March, 2026.

/s/LaTausha Simmons
LaTausha Simmons

EXHIBIT A

plausible claim for relief. In October 2023, the district court adopted the magistrate judge's report and recommendation and entered judgment in favor of the defendants.

The district court granted Simmons an extension of time to file a notice of appeal, but she did not do so. A few months later, in April 2024, she moved for an extension of time "to file motions, other pleadings, and/or appeal," asserting that she had "good cause" for requesting an extension, that she did not receive the order extending her time to appeal until January 6, 2024, and that she had been "unconstitutionally jailed from January 12, 2024 through March 6, 2024." Simmons also stated that her medical conditions and lack of access to "electronic means to draft pleadings" and transportation prevented her from timely filing documents in her case. The district court denied Simmons's motion, explaining that the time to appeal could not be further extended under the appellate rules, that she did not need an extension of time to file a post-judgment motion, and that the timeliness of any post-judgment motion would be assessed once the motion was filed.

In December 2024, Simmons moved to reinstate the case, citing Federal Rules of Civil Procedure 59 and 60(b). Again, Simmons explained that "before[she] could file any other pleadings . . . she was illegally, unlawfully and unconstitutionally repeatedly falsely arrested and falsely imprisoned from January 12, 2024 through on or after March 11, 2024." Simmons complained that she has been denied her constitutional right of access to the courts and "deprived of due process to prosecute her claims." The district court denied Simmons's motion as untimely.

Simmons now appeals the order denying reinstatement. In her appellate brief, however, Simmons addresses only the district court's underlying dismissal of her complaint. Simmons raises no arguments with respect to the denial of her reinstatement motion, thereby forfeiting any challenge to that decision. *See Scott v. First S. Nat'l Bank*, 936 F.3d 509, 522 (6th Cir. 2019) ("[A]n appellant forfeits an argument that [s]he fails to raise in h[er] opening brief."); *McGlory v. Mich. Dep't of Corr.*, No. 21-2692, 2022 WL 18229595, at *3 (6th Cir. 2022) (order) (applying this rule to a pro se appellant who entirely fails to raise an argument on appeal). In any event, the district court did not err by denying the motion as untimely.

We review the district court's denial of Simmons's post-judgment motion for an abuse of discretion. *See United States ex rel. Angelo v. Allstate Ins. Co.*, 106 F.4th 441, 453 (6th Cir. 2024).

“A district court abuses its discretion when it relies upon clearly erroneous factual findings, improperly applies the law, or uses an erroneous legal standard.” *Id.*

As noted, Simmons cited both Rule 59(e) and Rule 60(b). But she did not file her motion until more than one year after the dismissal of her case, making it untimely under Rule 59(e) and Rule 60(b)(1)-(3). *See* Fed. R. Civ. P. 59(e) (providing 28 days to file a motion to alter or amend a judgment); Fed. R. Civ. P. 60(c)(1) (requiring a motion under Rule 60(b)(1)-(3) to be filed within one year of the entry of judgment). And Rules 60(b)(4) and (b)(5) do not apply because the district court’s judgment has not been discharged, is not void or based on an earlier judgment that has been reversed, and is not prospective in nature. *See Kalamazoo River Study Grp. v. Rockwell Int’l Corp.*, 355 F.3d 574, 587-88 (6th Cir. 2004); Fed. R. Civ. P. 60(b)(4)-(5).

That leaves Rule 60(b)(6), which provides for relief from a judgment only in exceptional or extraordinary circumstances that are not addressed by the first five numbered clauses of Rule 60(b). *Penney v. United States*, 870 F.3d 459, 461 (6th Cir. 2017). A motion under Rule 60(b)(6) “must be made within a reasonable time.” Fed. R. Civ. P. 60(c)(1). The reasonableness analysis “is a fact-specific determination” in which the court considers “a petitioner’s diligence in seeking relief.” *Miller v. Mays*, 879 F.3d 691, 699 (6th Cir. 2018). The “moving party must articulate a reasonable basis for delay.” *Tyler v. Anderson*, 749 F.3d 499, 510 (6th Cir. 2014).

In December 2023, the district court granted Simmons an extension of time to file a notice of appeal. Simmons did not file an appeal within that time. In her April 2024 motion for another extension of time, to file either a notice of appeal or a post-judgment motion, she explained that she had been incarcerated from January 12, 2024, through March 6, 2024. In denying Simmons an extension of time to file a motion under Rule 60(b), the district court explained that, while the deadline for filing such a motion had “not necessarily expired,” it could not assess whether Simmons’s motion would be deemed filed within a reasonable time without knowing the basis for seeking reconsideration. Despite having been advised that any Rule 60(b) motion must be filed within a reasonable time, Simmons did not file her motion for another eight months. And in that motion, she neither outlined a basis for relief nor any explanation for her delay. Instead, she cited only her two-month incarceration between January and March 2024. Because Simmons did not

articulate a reasonable basis for delay, the district court acted within its discretion by denying her motion for reinstatement.

For these reasons, we **AFFIRM** the district court's order.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script that reads "Kelly L. Stephens". The signature is written in black ink and is positioned above a horizontal line.

Kelly L. Stephens, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Mar 6, 2026
KELLY L. STEPHENS, Clerk

No. 25-1479

LATAUSHA SIMMONS,

Plaintiff-Appellant,

v.

WAYNE COUNTY, MI, et al.,

Defendants-Appellees.

Before: MOORE, NALBANDIAN, and READLER, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the order of the district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk