

Case NO. \_\_\_\_\_

In The Supreme Court of the United States

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KENNETH MICHAEL PLAISANCE,

*Petitioner,*

v.

COMMISSION FOR LAWYER DISCIPLINE,

*Respondent.*

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On Appeal/Review from the Texas Supreme Court  
Through the Texas Board of Disciplinary Appeal Case# 25-0703

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APPLICATION FOR EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI

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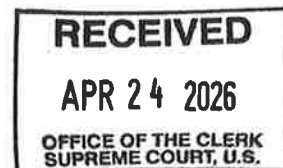
APPLICATION FOR EXTENSION OF TIME TO FILE WRIT OF CERTIORARI

To the Honorable **Justice Samuel A. Alito, Jr.**, Associate Justice of the United States Supreme Court and Circuit Justice for the Fifth Circuit:

**APPLICATION**

Pursuant to **Supreme Court Rule 13.5**, Applicant respectfully requests an extension of **60 days** within which to file a petition for a writ of certiorari. The judgment of the **Supreme Court of Texas** was entered on **January 30, 2026**. The petition is currently due on **April 30, 2026**. This application is timely filed at least ten days before that date.

This Court has jurisdiction under **28 U.S.C. § 1257(a)**.



## REASONS FOR GRANTING AN EXTENSION

This application presents the type of case in which an extension is warranted and routinely granted. The petition will raise substantial federal questions concerning the constitutional limits on state attorney disciplinary authority—issues of recurring national importance that warrant careful and considered presentation.

### 1. The Case Presents Substantial Constitutional Questions

#### QUESTIONS PRESENTED

##### Umbrella Question

Whether state attorney disciplinary systems—particularly in the context of reciprocal discipline imposed without independent constitutional review—comport with the Constitution when they impose quasi-criminal sanctions through proceedings that fail to provide fair notice, permit arbitrary enforcement, are infected by structural bias or retaliatory motives, and deprive attorneys of fundamental procedural protections guaranteed by the First, Fifth, Sixth, Seventh, and Fourteenth Amendments.

##### Specific Questions Presented

#### 1. Structural Bias and Neutral Decisionmaker (Lead Issue)

Whether attorney disciplinary proceedings violate the **Due Process Clause** where individuals who were the subject of a prior complaint by Petitioner are later placed in positions of adjudicatory authority over the respondent's case, creating an unconstitutional risk of bias and depriving the respondent of a **neutral decisionmaker**.

#### 2. Retaliation for Protected Petitioning Activity (First Amendment)

Whether a state disciplinary authority violates the **First Amendment** and the **Due Process Clause** by initiating or advancing disciplinary proceedings in retaliation for an attorney's protected activity—namely, filing a disciplinary complaint or reporting professional misconduct—thereby chilling the right to **petition the government for redress of**

### **3. Denial of a Meaningful Opportunity to Be Heard**

Whether due process is violated where a disciplinary tribunal proceeds with a hearing in the respondent's absence after denying a continuance supported by documented medical incapacity, thereby depriving the respondent of a **meaningful opportunity to be heard**.

### **4. Reciprocal Discipline Without Independent Constitutional Review**

Whether the imposition of **reciprocal discipline** by a second state, without conducting an **independent review of constitutional infirmities** in the originating jurisdiction's proceeding, violates the **Due Process Clause**.

### **5. First Amendment – Attorney Speech and Advocacy**

Whether a state bar disciplinary authority violates the **First Amendment** by sanctioning an attorney for **litigation-related advocacy and speech**, where such conduct constitutes protected petitioning activity and **core legal argument**.

### **6. Reputational Liberty and “Stigma-Plus” Violations**

Whether the premature and public dissemination of disciplinary allegations by state disciplinary authorities, prior to adjudication, violates the Due Process Clause and protected liberty interests in reputation, where such dissemination imposes a “stigma-plus” deprivation without adequate procedural safeguards. *See Paul v. Davis*, 424 U.S. 693 (1976); *Wisconsin v. Constantineau*, 400 U.S. 433 (1971); *Board of Regents v. Roth*, 408 U.S. 564 (1972).

### **7. Due Process and Serially Amended Charges**

Whether due process is violated where disciplinary authorities repeatedly amend charging instruments to introduce **new theories, allegations, and factual assertions**, thereby depriving the respondent of **fair notice** and creating a **moving target** that prevents a meaningful opportunity to respond.

### **8. Void-for-Vagueness in Attorney Discipline**

Whether attorney disciplinary rules violate the **Due Process Clause** when they fail to provide **fair notice of prohibited conduct** and permit **arbitrary or discriminatory enforcement**.

### **9. Sixth Amendment in Civil Disciplinary Proceedings**

Whether the invocation or functional application of Sixth Amendment principles in a civil attorney disciplinary proceeding—where no criminal prosecution exists—violates the Due Process Clause by depriving the respondent attorney of fair notice and the procedural protections required in civil adjudications, contrary to this Court's recognition that the Sixth Amendment does not apply in civil matters. *See Turner v. Rogers*, 564 U.S. 431 (2011).

## **10. Double Jeopardy and Successive Quasi-Criminal Sanctions**

Whether successive disciplinary sanctions imposed by separate sovereign states for the same underlying conduct constitute impermissible multiple punishments in violation of the Double Jeopardy Clause, where attorney disciplinary proceedings are quasi-criminal in nature. *See In re Ruffalo*, 390 U.S. 544 (1968).

## **11. Reciprocal Discipline and Independent Constitutional Review**

Whether the imposition of reciprocal discipline by a second state, without conducting an independent review of constitutional infirmities in the originating jurisdiction's proceeding, violates the Due Process Clause.

## **12. Structural Bias and Unwaivable Conflicts of Interest**

Whether attorney disciplinary proceedings violate due process where adjudicators and prosecuting authorities operate within a framework of structural or institutional conflicts of interest that compromise neutrality and are not subject to meaningful waiver.

## **13. Due Process Violations Through Serial Amended Charges**

Whether due process is violated where disciplinary authorities repeatedly amend charging instruments to introduce new theories, allegations, and factual assertions, thereby depriving the respondent of fair notice, creating a moving target, and preventing a meaningful opportunity to respond.

## **Additional Time Is Necessary to Ensure a Proper Presentation**

Additional time is necessary to permit the preparation of a petition that:

- Develops the constitutional arguments with the precision required for Supreme Court review; and
- Assembles and analyzes the relevant portions of the record necessary to present the issues in a complete and reliable posture.

Absent an extension, Applicant would be forced to file a petition that does not adequately present the breadth and importance of the constitutional questions at issue.

## **4. The Balance of Equities Favors an Extension**

The requested extension will not prejudice Respondents. By contrast, denial of an extension would risk impairing Applicant's ability to present **substantial constitutional claims** in a manner consistent with this Court's standards.

Granting the extension will serve the **interests of justice** by ensuring that the Court has the benefit of a **fully developed petition** addressing issues of national importance.

## CONCLUSION

The application demonstrates **good cause** for an extension of time. The case presents important and recurring constitutional questions, and additional time is necessary to ensure their proper presentation.

The application for an extension of time within which to file a petition for a writ of certiorari should therefore be **granted**, extending the deadline to **June 29, 2026**.

Respectfully submitted,



*Kenneth M. Plaisance*

Kenneth M Plaisance

Petitioner

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## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY**, that a copy of the above and foregoing pleading has been forwarded to all parties through their attorney of record by depositing a copy of same in the U.S. Mail, postage prepaid, hand delivered, email or by facsimile this 13<sup>TH</sup>, day of April, 2026.



*Kenneth M Plaisance*

Kenneth M Plaisance

**FILE COPY**

RE: Case No. 25-0703

DATE: 1/30/2026

COA #: 69894

TC#:

STYLE: PLAISANCE v. CLD

Today the Supreme Court of Texas affirmed the decision of the Board of Disciplinary Appeals in the above-referenced case.

MR. KENNETH PLAISANCE  
\* DELIVERED VIA E-MAIL \*