

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

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

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CATHERINE L. HANAWAY, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE  
STATE OF MISSOURI, AND JAMES HUDANICK, IN HIS OFFICIAL CAPACITY AS THE  
POLICE CHIEF OF HAZELWOOD, MISSOURI,

*Applicants,*

v.

THOMAS L. SANDERSON,

*Respondent.*

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*On Application for Extension of Time to File a Petition for  
Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit*

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**APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH  
REQUESTING AN EXTENSION OF TIME TO FILE A PETITION FOR A  
WRIT OF CERTIORARI PURSUANT TO RULE 13**

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

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, Applicants and Petitioners Catherine L. Hanaway, in her official capacity as Attorney General of the State of Missouri, and James Hudanick, in his official capacity as the Police Chief of Hazelwood, Missouri, seek a 60-day extension of time to file a petition for certiorari in this Court, up to and including Monday, July 6, 2026. The final judgment of the United States of Court of Appeals for the Eighth Circuit was entered on January 2, 2026. On January 16, 2026, Applicants timely filed a petition for

rehearing en banc. On February 6, 2026, the Court of Appeals denied the petition. The time to file a petition for a writ of certiorari in this Court expires on May 7, 2026. This application is filed at least ten days before that date. *See* Rule 13.5.

A copy of the Court of Appeals’ order denying rehearing en banc is attached to this application of Exhibit A. A copy of the Court of Appeals’ opinion is attached to this Application as Exhibit B. The jurisdiction of this Court is properly invoked under 28 U.S.C. § 1254(1). This request is unopposed.

### **Background**

This case presents an important question on the extent to which sex-offender-status notices implicate First Amendment protections. The circuit courts are in disagreement. The Fifth Circuit has held that these notices do not compel speech, as they are an “essential operation[] of [the] government” which require a purely factual disclosure. *United States v. Arnold*, 740 F.3d 1032, 1035 (2014) (alterations in original). The Sixth Circuit has rejected a similar challenge under a claimed “privacy interest in avoiding the disclosure of private matters.” *Cutshall v. Sudquist*, 193 F.3d 466, 480 (1999). Meanwhile, the Eleventh Circuit has invalidated a similar Halloween-disclosure requirement after finding it compelled speech. *McClendon v. Long*, 22 F.4th 1330, 1337 (2022). The court below joined the Eleventh Circuit, deepening the split.

In 2006, a jury convicted Thomas Sanderson, then thirty-five-years old, of sodomizing a sixteen-year-old girl. Shortly after Sanderson was released from prison, Missouri enacted a specific and tailored notice requirement to protect children on

Halloween. Specifically, during the evening hours on Halloween, sex offenders cannot interact with children. Mo. Rev. Stat. § 589.426.1(1). Sex offenders must remain inside their residences with all outside lights off and post a message stating, “No candy or treats at this residence.” *Id.* § 589.426.1(2)–(4). Failure to comply with these rules is a misdemeanor offense. *Id.* § 589.426.2.

Sanderson has flatly refused to comply with these requirements since the law’s enactment. In 2022, after receiving a report from a local resident, police went to Sanderson’s house and witnessed him giving candy to children with his outdoor lights and Halloween display lit. Police also observed that his home lacked the “No candy or treats at this residence” notice. Several days later, Sanderson was arrested for violating the Halloween statute. He pleaded guilty and received one-year probation.

In 2023, Sanderson brought a facial challenge to the Halloween-notice mandate alleging the notice unconstitutionally compelled his speech. The District Court granted summary judgment for Sanderson, relying extensively on this Court’s decision in *Wooley v. Maynard*, 430 U.S. 705 (1977). While that court found the State’s interest compelling, it held that the law was not the least-restrictive means to achieve the State’s interest.

The Court of Appeals for the Eighth Circuit affirmed, agreeing with the District Court that the Halloween-notice mandate is a form of compelled speech and not the least restrictive means of achieving the State’s interest. *See* Exhibit B. The Eighth Circuit denied Applicants’ petition for en banc review. *See* Exhibit A.

## Reasons for Granting an Extension of Time

Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. Undersigned counsel faces a significant press of business during the relevant time period, including:

- A brief in the Cole County Circuit Court, *People Not Politicians v. Hoskins*, No. 25AC-CC07128, due April 27, 2026;
- A reply brief in support of intervention in the United States District Court for the District of Columbia, *Democratic Senatorial Campaign Committee v. Trump*, No. 1:26-cv-01114-CJN, due April 27, 2026;
- Oral argument in the United States District Court for the Eastern District of Missouri, *Missouri v. U.S. Department of Education*, No. 4:24-cv-01316-MTS, on April 28, 2026;
- An opposition to a preliminary injunction in the United States District Court for the District of Columbia, *Democratic Senatorial Campaign Committee v. Trump*, No. 1:26-cv-01114-CJN, due May 1, 2026;
- An amicus brief in the United States Court of Appeals for the Fifth Circuit, *McComb Children's Clinic v. Kennedy*, No. 26-60101, due May 5, 2026;
- A trial in the Cole County Circuit Court, *Rogers v. State* and *Green v. State*, Nos. 25AC-CC04798 and 25AC-CC04000, on May 6–7, 2026;
- A response to a motion to dismiss and to transfer venue in the United States District Court for the Eastern District of Missouri, *State of*

*Missouri ex rel. Catherine L. Hanaway v. Missouri State High School Activities Association*, No. 4:26-cv-00171-SRC, due May 7, 2026;

- Oral argument in the Missouri Supreme Court, No. SC101581, *Maggard v. State*, on May 12, 2026;
- Oral argument in the Missouri Supreme Court, No. SC101541, *NAACP v. Kehoe*, on May 27, 2026;
- Oral argument in the Missouri Supreme Court, No. SC101187, *Glendale Shooting Club, Inc. v. Landolt*, on May 27, 2026;
- A merits brief in the United States Court of Appeals for the Eighth Circuit, *State of Missouri v. Todd Blanche*, No. 26-1674, due June 2, 2026;
- A merits brief in the United States Court of Appeals for the Eighth Circuit, *Clark v. City of St. Louis*, No. 26-1461, due June 8, 2026;
- A state-court complaint involving an ongoing investigation by the Missouri Attorney General's Office that will be filed in May or June.

### **CONCLUSION**

Applicants request that the time to file a petition for writ of certiorari in the above-captioned matter be extended 60 days, up to and including July 6, 2026.

April 22, 2026

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Respectfully submitted,

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*/s/ Louis J. Capozzi, III*

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**PROOF OF SERVICE**

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In accordance with Rule 29.5(b), I, Louis J. Capozzi, III, counsel for applicants and petitioners and a member of the Bar of this Court certify that all parties required to be served have been served, and that on April 22, 2026, the required copies of the Application for Extension of Time to File a Petition for Writ of Certiorari in the above-captioned case were sent to the U.S. Supreme Court and were served by email on counsel for respondent listed below:

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*Counsel for Respondent Thomas L. Sanderson*

April 22, 2026

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Respectfully submitted,

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Attorney General

*/s/ Louis J. Capozzi, III*

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