

**IN THE
SUPREME COURT OF THE UNITED STATES**

JOHN ALAN SAKON,
Applicant–Petitioner,

v.

JOHN JOHNSON, et al.,
Respondents.

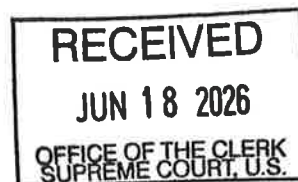
**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Second Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), applicant John Alan Sakon, *pro se*, respectfully requests a sixty (60) day extension of time within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in *Sakon v. Johnson*, No. 24-1991. In support of this application, the applicant states as follows.

I. The Judgment Sought to Be Reviewed

The applicant seeks an extension of time to petition for review of the summary order of the United States Court of Appeals for the Second Circuit (Sullivan and Pérez, Circuit Judges, and Castel, District Judge, sitting by designation), entered **February 17, 2026**, which affirmed the judgment of the United States District Court for the District of



Connecticut (Thompson, J.) dismissing the applicant's claims under 42 U.S.C. § 1983 for malicious prosecution. A copy of the summary order is appended hereto as Exhibit A.

The applicant timely sought rehearing and rehearing en banc on **March 1, 2026**. That petition **was denied on March 24, 2026**. A copy of the order denying rehearing is appended hereto as Exhibit B.

Absent an extension, the time to file a petition for a writ of certiorari would expire on **June 22, 2026** (ninety days from the denial of rehearing, see Rule 13.3). This application is submitted more than ten days before that date, as required by Rule 13.5. The applicant requests that the time be extended sixty days, to and including **August 21, 2026**.

The applicant was granted leave to proceed *in forma pauperis* in the United States District Court for the District of Connecticut and again in the United States Court of Appeals for the Second Circuit. Pursuant to Rule 39.1, the applicant continues to proceed *in forma pauperis* in this Court without the need for further application, and submits this application in the unbound paper format permitted by Rule 33.2.

II. Basis for the Jurisdiction of This Court

This Court would have jurisdiction to review the judgment of the Court of Appeals under 28 U.S.C. § 1254(1). The underlying action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983 and Title 11 of the United States Code.

III. Statement of the Case

The applicant brought suit under 42 U.S.C. § 1983 alleging, among other things, malicious prosecution. The action arose from nine arrests on eighteen felony charges and one misdemeanor charge, each of which terminated in the applicant's favor. The District Court dismissed the applicant's claims, holding that certain claims were time-barred and that one claim (Count Nine) failed to state a claim upon which relief could be granted. The Court of Appeals affirmed by summary order.

The accrual question presented by the appeal turns on Connecticut law. The Court of Appeals held, following *Spak v. Phillips*, 857 F.3d 458 (2d Cir. 2017), that a malicious prosecution claim accrues upon the entry of a *nolle prosequi*. The applicant contends that this rule cannot be reconciled with Connecticut's legislatively enacted termination statute, Conn. Gen. Stat. § 52-577f, with the decisions of the Connecticut appellate courts, or with the principles of *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938). The applicant further contends that the panel overlooked the federal tolling provision of 11 U.S.C. § 108(a).

IV. Good Cause Exists for an Extension of Time

Good cause supports the requested extension for the following reasons.

First, the applicant is proceeding *pro se* and was granted leave to proceed without prepayment of fees in the courts below. He is not trained as an appellate practitioner before this Court and requires additional time to prepare a petition that complies with the Rules of this Court, including the form and content requirements of Rule 14. The record below is voluminous and spans multiple proceedings across two sovereigns, and the

preparation of an accurate petition and appendix requires time that the ordinary ninety-day period does not afford a self-represented litigant.

Second, the questions the applicant intends to present are substantial and interrelated, implicating the interaction between a federal accrual rule and Connecticut substantive law, the application of 11 U.S.C. § 108(a), and the doctrine of *Erie*. Careful briefing of these questions, rather than hurried filing, will materially assist the Court in its consideration of whether the petition warrants review.

Third, a directly related appeal is now pending before the Connecticut Appellate Court that will address the identical controlling question of Connecticut law. In *Sakon v. Roberts*, No. AC 48957, the Connecticut Appellate Court is presented with the question whether, under Connecticut law, a malicious prosecution claim accrues upon entry of a *nolle prosequi* or only upon dismissal pursuant to Conn. Gen. Stat. § 52-577f. That appeal has been statutorily expedited and a decision is anticipated in the summer of 2026. The state court's resolution of that question bears directly on the petition the applicant intends to file, because the state court is the authoritative expositor of Connecticut law, and its decision may sharpen, narrow, or confirm the federal-state divergence that the applicant intends to present. A brief extension will permit the applicant to present the question to this Court with the benefit of the state court's ruling, conserving the resources of this Court and avoiding the presentation of a controlling state-law question in a posture more abstract than necessary.

Fourth, no party will be prejudiced by the requested extension. The judgment below has been entered and the respondents' interests are fully protected during the pendency of this application. The extension sought is the modest period of sixty days authorized by Rule 13.5 and is not sought for purposes of delay.

V. Conclusion

For the foregoing reasons, the applicant respectfully requests that the time within which to file a petition for a writ of certiorari be extended by sixty (60) days, to and including **August 21, 2026**.

Respectfully submitted,



John Alan Sakon
Pro Se
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Dated: 6/8, 2026

CERTIFICATE OF SERVICE

I, John Alan Sakon, hereby certify that on the date set forth below I caused a true and correct copy of the foregoing Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari to be served upon counsel for the respondents, by first-class United States mail, postage prepaid, addressed as follows:

Ashley L. Hoyt, Esq.
Katherine E. Rule, Esq.
Howd & Ludorf, LLC
Wethersfield, Connecticut
Counsel for Defendants-Appellees John Johnson, F. Perrone, Bruce D. Skehan,
Peter Brander, Neal Cavanaugh, Michael Roberts, and Town of Glastonbury

Andrew J. Glass, Esq.
Karsten & Tallberg, LLC
Rocky Hill, Connecticut
Counsel for Defendants-Appellees Peter J. Celio, Wilmary Labonte,
Danielle Stone-Mitchell, and Town of Manchester

Edward Rowley, Assistant Attorney General
Robin S. Schwartz, Assistant Attorney General
Office of the Attorney General
Hartford, Connecticut
Counsel for Defendants-Appellees Christopher Ferreira and State of Connecticut

Michael S. Tripicco, Esq.
Cohen Vaughan, LLP
Hartford, Connecticut
Counsel for Defendants Seth Conant and Freed Marcroft LLC

I declare under penalty of perjury that the foregoing is true and correct.



John Alan Sakon, Pro Se
Dated: 01/8, 2026

EXHIBIT A

24-1991
Sakon v. Johnson

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of February, two thousand twenty-six.

PRESENT:

RICHARD J. SULLIVAN,
MYRNA PÉREZ,
Circuit Judges.
P. KEVIN CASTEL,
*District Judge.**

JOHN ALAN SAKON

Plaintiff-Appellant,

v.

24-1991

* Judge P. Kevin Castel, of the United States District Court for the Southern District of New York, sitting by designation.

JOHN JOHNSON, Officer, of the Glastonbury Police Department, Town of Glastonbury, F. PERRONE, Officer, of the Glastonbury Police Department, Town of Glastonbury, BRUCE D. SKEHAN, Officer, of the Glastonbury Police Department, Town of Glastonbury, PETER BRANDER, Officer, of the Glastonbury Police Department, Town of Glastonbury, NEAL CAVANAUGH, Officer, of the Glastonbury Police Department, Town of Glastonbury, MICHAEL ROBERTS, Officer, of the Glastonbury Emergency Management, Town of Glastonbury, PETER J. CELIO, Officer, of the Manchester Police Department, Town of Manchester, WILMARY LABONTE, Officer, of the Manchester Police Department, Town of Manchester, DANIELLE STONE-MITCHELL, Officer, of the Manchester Police Department, Town of Manchester, CHRISTOPHER FERREIRA, Trooper, of the Connecticut State Police, State of Connecticut, SETH CONANT, FREED MARCROFT LLC, TOWN OF GLASTONBURY, TOWN OF MANCHESTER, STATE OF CONNECTICUT,

Defendants-Appellees,

FRANCELIA MARIE SEVIN, DENNIS O'TOOLE,

Defendants.

For Plaintiff-Appellant:

JOHN ALAN SAKON, *Pro Se*, Farmington, CT.

For Defendants-Appellees John Johnson, F. Perrone, Bruce D. Skehan, Peter Brander, Neal Cavanaugh, Michael Roberts, and Town of Glastonbury:

ASHLEY L. HOYT, (Katherine E. Rule, *on the brief*), Howd & Ludorf, LLC, Wethersfield, CT.

For Defendants-Appellees Peter J. Celio, Wilmary Labonte, Danielle Stone-Mitchell, and Town of Manchester:

ANDREW J. GLASS, Karsten & Tallberg, LLC, Rocky Hill, CT.

**For Defendants-Appellees
Christopher Ferreira and State
of Connecticut:**

EDWARD ROWLEY, Assistant Attorney General (Robin S. Schwartz, Assistant Attorney General, *on the brief*), Assistant Attorney General, *for* William Tong, Attorney General of Connecticut, Hartford, CT.

**For Defendants Seth Conant
and Freed Marcroft LLC:**

MICHAEL S. TRIPICCO, Cohen Vaughan, LLP, Hartford, CT.

Appeal from a judgment of the United States District Court for the District of Connecticut (Alvin W. Thompson, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the August 19, 2024 judgment of the district court is **AFFIRMED**.

John Alan Sakon, proceeding *pro se*, appeals from the district court's dismissal of his claims for malicious prosecution under 42 U.S.C. § 1983 against seventeen separate defendants arising from his nine previous arrests. The district court dismissed all of his claims, holding that some were time-barred and that he failed to state a claim as to others; the district court also struck Sakon's proposed amended complaint. We assume the parties' familiarity with the facts, procedural

history, and issues on appeal, to which we refer only as needed to explain our decision.

“We review a dismissal for failure to state a claim *de novo*.” *Sharikov v. Philips Med. Sys. MR, Inc.*, 103 F.4th 159, 166 (2d Cir. 2024). To “survive[] a Rule 12(b)(6) motion to dismiss” the plaintiff must allege facts that – when “taken as true and with all reasonable inferences drawn in the plaintiff’s favor” – “state a plausible claim to relief.” *Id.* And while we “interpret[]” a *pro se* litigant’s pleadings to “raise the strongest claims they suggest,” such parties must still plead facts that “plausibly give rise to an entitlement of relief,” as opposed to “[t]hreadbare recitals of the elements of a cause of action’ that are ‘supported by mere conclusory statements.’” *Id.* (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009)). Meanwhile, “[w]e review a district court’s denial of leave to amend for abuse of discretion, unless the denial was based on futility, in which case we review that legal conclusion *de novo*.” *City of Pontiac Policemen’s & Firemen’s Ret. Sys. v. UBS AG*, 752 F.3d 173, 188 (2d Cir. 2014).

I. Time-Barred Malicious Prosecution Claims

Sakon argues that the district court erroneously dismissed as untimely the malicious prosecution claims set forth in counts one through eight of his complaint. We disagree.

To determine timing rules for section 1983 malicious prosecution claims, we blend federal and state law. While federal law determines “the time at which a claim for malicious prosecution . . . accrues,” we “borrow[]” the “applicable statute of limitations . . . [from] the law of the state where the cause of action accrued.” *Spak v. Phillips*, 857 F.3d 458, 462 (2d Cir. 2017). In other words, federal law determines when the clock starts running, while state law decides when the buzzer sounds.

Under federal law, malicious prosecution claims accrue when “criminal proceedings have terminated in the plaintiff’s favor.” *Heck v. Humphrey*, 512 U.S. 477, 489 (1994). And “a *nolle prosequi* constitutes [such] a ‘favorable termination’ for the purpose of determining when a Section 1983 claim accrues.” *Spak*, 857 F.3d at 463. Meanwhile, as the parties agree, the Connecticut “statute of limitations for a malicious prosecution claim . . . is [generally] three years.” *Id.* at 462; *see also* Conn. Gen. Stat. Ann. § 52-577f. In this case, however, we must tack on an

additional 347 days for the period – during the COVID-19 pandemic – when Connecticut tolled its statute of limitations. To calculate Sakon’s filing cutoff, we therefore must add three years plus 347 days to the date that prosecutors *nolled* the last charges against him.

Sakon failed to meet that deadline. While counts one through eight challenge several different arrests, prosecutors *nolled* their final charges on January 3, 2019. Counting three years plus 347 days from that date yields a limit of December 16, 2022. Because Sakon waited until January 26, 2023 to file his complaint, the statute of limitations bars the claims raised in counts one through eight.

Sakon attempts to sidestep this time bar by arguing that the Supreme Court’s decision in *Thompson v. Clark* abrogated *Spak*’s holding that a malicious prosecution claim accrues as of the date of the *nolle*. 596 U.S. 36 (2022). But, if anything, *Thompson* reinforces *Spak*. There, the Supreme Court held that a plaintiff alleging a Fourth Amendment malicious prosecution claim need not “show that the criminal prosecution ended with some affirmative indication of innocence” and instead “only . . . that the criminal prosecution ended without a conviction.” *Id.* at 49. That is exactly what a *nolle* is. And while Sakon latches onto the Supreme

Court's caution that a prosecution has not ended unless it "cannot be revived," Sakon Br. at 14 (quoting *Thompson*, 596 U.S. at 45), *Spak* expressly addressed that issue, explaining that a "nolle" does "terminate[] a specific prosecution by vacating a charging instrument," so that it "cannot be revived." *Spak*, 857 F.3d at 464.¹

II. Count Nine

Unlike counts one through eight, count nine – Sakon's malicious prosecution claim against Officer Peter Brander, the Town of Glastonbury, and the Glastonbury Police Department stemming from Sakon's arrest for larceny on October 22, 2018 – is not time-barred because the state did not *nolle* the larceny charge until July 2020. The district court nevertheless dismissed this count because it concluded that Sakon had failed to state a claim. We agree.

"[T]o prevail on a [section] 1983 claim against a state actor for malicious prosecution, a plaintiff must . . . establish the elements of [such a] claim under state law." *Roberts v. Babkiewicz*, 582 F.3d 418, 420 (2d Cir. 2009) (internal quotation marks omitted). And "under Connecticut law," a plaintiff alleging malicious

¹ Sakon argues that his claim instead accrued thirteen months after the date of the *nolle*, when the charges were automatically erased from the record pursuant to Conn. Gen. Stat. § 54-142a(c)(1). As we recognized in *Spak*, however, that "erasure provision . . . is a purely administrative measure" that, like the entry of the *nolle*, "does not preclude the prosecuting attorney from filing new charges." 857 F.3d at 466. Sakon's preferred date thus "provides no more 'conclusive' bar to future criminal proceedings than the *nolle* itself." *Id.*

prosecution “must prove [that] . . . ‘the defendant acted without probable cause.’” *Id.* (quoting *McHale v. W.B.S. Corp.*, 187 Conn. 444, 446 (1982)). To do so, the plaintiff must carry his “burden” of “prov[ing] affirmatively . . . that the defendant had *no reasonable ground* for instituting the criminal proceeding.” *Bhatia v. Debek*, 287 Conn. 397, 410–11 (2008) (emphasis added and internal quotation marks omitted).

Sakon fails to allege that Officer Brander lacked any reasonable ground for arresting him: as Sakon’s complaint concedes, Officer Brander obtained a judicial warrant after both Sakon’s own brother and his ex-wife had filed criminal larceny complaints against him. And while Sakon’s complaint faults Officer Brander for relying on these reports without conducting “a proper investigation,” Def. App’x at 55, we have never required officers to jump through such pre-arrest hoops; instead, an officer may “rely without further investigation on representations of another” *unless*, as relevant here, “the information received is such as to put an ordinarily prudent and cautious person on inquiry.” *DeLaurentis v. City of New Haven*, 220 Conn. 225, 258 (1991); *see also Betts v. Shearman*, 751 F.3d 78, 82 (2d Cir. 2014) (“[P]robable cause exists if a law enforcement officer received information from some person, normally the putative victim or eyewitness, unless the

circumstances raise doubt as to the person's veracity." (alteration accepted and internal quotation marks omitted)).

Sakon attempts to avoid this problem by arguing that Officer Brander should have made further "inquiry" because the funds at issue (allegedly) came from a tenancy in common. Sakon Br. at 15. But Sakon pleaded no facts to suggest that Officer Brander knew of the intricacies of the Sakon family's competing claims, or that an ordinarily prudent officer would have discredited the criminal complaints against Sakon. *See Alberty v. Hunter*, 144 F.4th 408, 417 (2d Cir. 2025) ("[P]robable cause does not require an officer to be certain that subsequent prosecution of the arrestee will be successful. It is therefore of no consequence that a more thorough or more probing investigation might have cast doubt upon the situation." (internal quotation marks omitted)).

III. Denial of Amendment

Finally, Sakon appeals the district court's denial of his motion to amend. As a threshold matter, we note that Sakon technically filed no such motion: he simply submitted an amended complaint – sixty-seven days after the district court had dismissed his remaining claims, and without consulting either the defendants or the district court. That filing clearly contravened Federal Rule of Civil Procedure

15(a), which permits amended pleadings in these circumstances “only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a). The district court accordingly struck the amended complaint, while noting in passing that “the situation here is not one where the court should grant leave to file an amended complaint because justice so requires.” Def. App’x at 169.

However, even assuming that the district court should have (i) “liberally constru[ed],” *McLeod v. Jewish Guild for the Blind*, 864 F.3d 154, 156 (2d Cir. 2017), Sakon’s submission as a full-blown request for leave to file an amended complaint, and (ii) therefore explained its decision more thoroughly, Sakon’s appeal still fails because “any amendment would have been futile,” *Yerkyn v. Yakovlevich*, 164 F.4th 224, 225 (2d Cir. 2026); *see also id.* at 229 (“[W]e are free to affirm an appealed decision on any ground which finds support in the record, regardless of the ground upon which the trial court relied.” (internal quotation marks omitted)).

Sakon’s proposed amended complaint alleges no facts suggesting that Officer Brander lacked probable cause; instead, he rehashes his claims that Brander should have conducted a more thorough investigation, *see, e.g.*, Def. App’x at 143–44, and insists that Brander could have included more information in his arrest warrant application, *see, e.g., id.* at 147–48, without alleging any facts

suggesting that Brander knew that specific information or showing why it was necessary. If anything, Sakon's amended complaint, which attaches Brander's thorough warrant application, *undercuts* his claims that Brander lacked probable cause. Dist. Ct. Doc. No. 128-1 at 1-3 (warrant application discussing embezzlement scheme, forensic accounting analysis, and Brander's own knowledge of Sakon).

Sakon's brief does not suggest otherwise. He merely argues that the Federal Rules of Civil Procedure are too complicated, and that he filed his proposed amendments "one month late" because the Defendants intentionally delayed him by falsely arresting him and "running [him] over with a truck." Sakon Br. at 16-17. But Sakon's motion to amend fails not because of "byzantine" rules, *id.* at 17, or because of his tardiness. It fails for the more basic reason that the amendment is futile since it does not include facts that undermine the existence of probable cause.

* * *

We have considered Sakon's remaining arguments and find them to be without merit.² Accordingly, we **AFFIRM** the judgment of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in cursive that reads "Catherine O'Hagan Wolfe". The signature is written over a circular seal. The seal contains the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the center text.

² Sakon has abandoned his other claims by failing to challenge their dismissal in his opening brief. *See Green v. Dep't of Educ. of N.Y.C.*, 16 F.4th 1070, 1074 (2d Cir. 2021) (“[A] *pro se* litigant abandons an issue by failing to address it in the appellate brief.”).

EXHIBIT B

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of March, two thousand twenty-six.

John Alan Sakon,

Plaintiff - Appellant,

v.

John Johnson, Officer, of the Glastonbury Police
Department, Town of Glastonbury, F. Perrone, et al.,

Defendants - Appellees,

Francelia Marie Sevin, Dennis O'Toole,

Defendants.

ORDER

Docket No: 24-1991

Appellant, John Alan Sakon, has filed a petition for rehearing *en banc*. The active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk