

In the Supreme Court of the United States

No. 25A_____

JENNIE V. WRIGHT, AND SAUL WRIGHT, APPLICANTS

v.

LOUISVILLE METRO GOVERNMENT, ET AL.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

To the Honorable Brett M. Kavanaugh
Associate Justice of the U.S. Supreme Court
and Circuit Justice for the Sixth Circuit

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for Applicants Jennie V. Wright and Saul Wright respectfully request a 60-day extension of time, to December 15, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in *Wright v. Louisville Metro Government*, 144 F.4th 817 (6th Cir. 2024) (attached as Exhibit A). The Court of Appeals entered judgment on July 16, 2025, and absent an extension, the time within which to file a petition for a writ of certiorari will expire on October 14, 2025.¹ This application is being filed more than 10 days before the petition is due. *See* S. Ct. R. 13.5. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

¹ A 60-day extension would place Applicants' deadline on Saturday December 13, 2025. Under this Court's rules, the deadline would thus extend to Monday December 15, 2025. *See* S. Ct. R. 30.1.

1. Applicants have good cause for a 60-day extension. S. Ct. R. 13.5. This case presents a substantial and important question of federal law regarding the appropriate statute of limitations for federal claims under 42 U.S.C. § 1983. Because Section 1983 does not expressly provide a statute of limitations, courts have applied the forum state’s general or residual statute of limitations for personal injury claims to Section 1983 claims. *Owens v. Okure*, 488 U.S. 235 (1989). The result of this regime is that civil rights plaintiffs are subject to a 50-state patchwork system with varying statutes of limitations that apply to their *federal* Section 1983 claims. Kentucky is one of only three jurisdictions in the nation with a single-year limitations period for Section 1983 claims. Ky. Rev. Stat. Ann. § 413.140(1)(a).

In May 2020, Applicants Jennie and Saul Wright had their home ransacked by six officers of the Louisville Metro Police Department who entered the Wrights’ home, held them at gunpoint, and took them into custody—all based on a deficient search warrant. Because the Wrights were initially unable to find out the names of the individual officers involved, they filed their original Complaint against the Louisville Metro Police Department and certain John Doe defendants. With the benefit of post-complaint discovery, the Wrights uncovered the officers’ identities and attempted to amend their complaint. The courts below, however, held that their amended complaint did not “relate back” to their initial complaint, and that their claims against the named officers were thus time barred under Kentucky’s one-year limitations period.

2. This case presents the Court with an opportunity to revisit the 50-state patchwork regime for Section 1983 claims in light of Congress' enactment in 1990 of a *federal* catchall limitations period in 28 U.S.C. § 1658. To supply a statute of limitations for Section 1983 claims, 42 U.S.C. § 1988 directs courts to employ a three-step method that first considers whether a "suitable" federal rule exists before borrowing from state law. *Burnett v. Grattan*, 468 U.S. 42, 47 (1984). Before Congress enacted Section 1658, the answer to that question was no, and federal courts were thus forced to borrow individual states' statutes of limitations. *See Owens*, 488 U.S. at 240. But the law has since changed to provide a more suitable federal alternative, and granting review in this case would allow the Court to consider the text of Section 1988 and the appropriate limitations period for federal civil rights claims in light of this development.

3. This case also allows the Court to consider the question it expressly reserved in *Owens* of whether "applying a 1-year limitations period to § 1983 actions would be inconsistent with federal interests." 488 U.S. at 251 n.13. While *Owens* held that a state's residual statute of limitations should generally apply, it also acknowledged that a state's limitations period could be too short and therefore inconsistent with federal interests. *Id.* Here, Kentucky's one-year limitations period is inconsistent with federal interests because it fails to account for the practicalities of filing a Section 1983 claim and therefore thwarts the ability of victims to vindicate their important federal civil rights. *See Burnett*, 468 U.S. at 50. This case thus presents an ideal vehicle for the Court to address the question it explicitly reserved in *Owens*.

4. In the decision below, the Sixth Circuit held that Applicants’ claims are time-barred under Kentucky’s one-year limitations period. The court acknowledged that Section 1658 was enacted “after the Supreme Court decided *Burnett*,” but it determined that “absent a change in law or Supreme Court precedent,” it was bound “[a]s an inferior court” and could not consider whether Section 1658 is “suitable” for Section 1983 claims. *Wright*, 144 F.4th at 826.

5. The Sixth Circuit also strongly suggested that Applicants’ great nephews, who are co-plaintiffs in this litigation, had a basis to reopen their claims in the district court under Rule 60(b) if they filed a motion within one year of the district court’s judgment. *Wright*, 144 F.4th at 823. Counsel for Applicants filed that motion on August 28, 2025.²

6. Pro bono counsel for Applicants also have numerous filing deadlines in other matters on similar deadlines that further justify a 60-day extension, including (i) a reply brief in the Second Circuit due on September 25, 2025; (ii) an amicus brief in the Fifth Circuit due on September 29, 2025; (iii) a motion to dismiss in the Northern District of Texas due on September 30, 2025; (iv) jury trials set on September 30, 2025 and October 2, 2025; (v) a reply brief in the Nevada Supreme Court due on October 13, 2025; (vi) a merits brief in the D.C. Circuit due on October 20, 2025; (vii) oral argument before the Colorado Supreme Court on October 21, 2025; (viii) a reply brief in support of a motion to dismiss in the District of the District of Columbia

² Because the Sixth Circuit held that Applicants’ co-plaintiffs did not appeal their claims, they will not be parties to Applicants’ petition for a writ of certiorari.

due on October 28, 2025; (ix) a merits brief in the Fifth Circuit due on November 10, 2025; and (x) significant discovery obligations and other deadlines in non-public matters over the next two months. Additionally, Applicants' counsel is also aware of multiple third parties who are interested in filing amicus briefs in support of Applicants' petition for a writ of certiorari to help the Court understand the importance of the questions presented. An extension that enables their participation would therefore benefit the Court's consideration of the issues presented in this case.

7. Applicants thus request an extension of time for counsel to prepare a petition that fully addresses the complex and important issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

CONCLUSION

For the reasons stated above, Applicants respectfully request that the time to file a petition for a writ of certiorari be extended 60 days to, and including, December 15, 2025.

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Respectfully submitted,

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