

No. 25A\_\_\_\_

---

IN THE  
**Supreme Court of the United States**

---

RODNEY WOODLAND,

*Petitioner,*

v.

MONTERO LAMAR HILL,

*Respondent.*

---

APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR WRIT  
OF CERTIORARI FROM OCTOBER 22, 2025, TO DECEMBER 21, 2025

---

**To the Honorable ELENA KAGAN,**  
**Circuit Justice for the Ninth Circuit:**

Pursuant to 28 U.S.C. § 2101(c) and to Supreme Court Rules 13.5, 22, and 30.3, Petitioner<sup>1</sup>—Mr. Rodney Woodland—hereby respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, from October 22, 2025, to December 21, 2025.

The U.S. Court of Appeals issued its opinion on May 16, 2025. 2a, *infra*. It denied rehearing on July 24. 37a. Without extension, the cert petition is due October 22. Ten days prior to that date – October 12 – was a Sunday and this Application is being filed on the first day non-holiday thereafter. See Sup. Ct. R. 13.5. The jurisdiction of this Honorable Court would be invoked under 28 U.S.C. § 1254(1).

---

<sup>1</sup> Petitioner is a natural person.

For the reasons stated herein, the timeframe to submit a cert petition should be extended by 60 days.

### **Legal & Procedural Background**

1. At core, this case and the forthcoming petition pertain to the Ninth Circuit's *sui generis* rule for determining copyright cases involving photography and photographic copyrights.

2. In 2018, the Ninth Circuit adopted a *sui generis* rule for photographic copyrights in Rentmeester v. Nike, Inc., 883 F.3d 1111 (9th Cir. 2018). Under that rule, photography must be essentially identical in order to prevail in a photographic copyright-infringement case, regardless of whether the photographs at issue involve a trite or stock idea (like a selfie in front of a D.C. monument) or an extraordinarily novel image.

3. Here, Petitioner brought suit against Respondent asserting claims of copyright-infringement of highly original photographs where he used his own unique posing, staging, lighting, *etc.* The District Court dismissed the claims on the basis of applying and extending the Ninth Circuit's *sui generis* rule on photographic copyrights. 31a-35a.

4. On appeal, Petitioner urged the Ninth Circuit to distinguish that rule as a case-specific rule regarding the intersection of copyright and a famous athlete's (*i.e.*, Michael Jordan's) personality / publicity rights in his own image and likeness. Petitioner asserted that the Rentmeester rule shouldn't be extended to cases like this one that didn't involve a photographer trying to control *someone else's* likeness.

5. The Ninth Circuit felt itself bound by Rentmeester and extended that *sui generis* rule to cases that do not involve the complicated intersection between a person's rights in their own image/appearance and a copyright holder's rights in a specific photograph of them. Accordingly, the Ninth Circuit affirmed and extended the *sui generis* rule to all manner of photographic copyrights. 15a-26a. Rehearing was denied. 37a.

6. Petitioner intends to petition this Honorable Court for review of the Ninth Circuit's decision.

### **Reasons for Granting an Extension of Time**

7. Several reasons establish good cause and justify an extension of time to petition for cert.

8. Counsel needs additional time to research the appellate authorities on what appear to be numerous splits regarding copyrightability. Counsel's work in this regard has been delayed by (1) the complexity of the issues, (2) unexpected and time-sensitive work in other cases, (3) the delay of Petitioner in making a decision whether to move forward with the petition for reasons described below, and (4) Petitioner's available funding from his family has been essentially exhausted such that the only counsel reasonably willing and able to work on the petition would be non-profit counsel. Counsel has been able to begin preparing the petition and conducting significant research but simply needs more time to finish research and to concisely present the questions that counsel thinks this Honorable Court may wish to review and decide.

9. Likewise, Petitioner and his family have been going through significant financial disruptions to their life that had meaningfully delayed Petitioner's decision whether he'd like to proceed with a cert petition. Among them, Petitioner and his family have been dealing with financial difficulties occasioned by a downturn in a family business, the burdens of certain real-estate expenses, and, more recently, by the shutdown of the federal government that caused a furlough without payment to some in Petitioner's family. Despite Petitioner being apprised that he may be able to proceed *in forma pauperis* before this Honorable Court, these stresses and strains both delayed decision-making on whether to proceed. It was only in the past week or so that Petitioner expressly confirmed that he wanted to proceed, recognizing that if he did not petition he wouldn't be able to go back and file a petition after the deadline had elapsed.

10. Petitioner's non-profit counsel have never opposed a briefing extension request in any forum. Rather, non-profit counsel regularly offer, and assent to, longer extensions than opposing counsel initially seek.

11. A petition to this Honorable Court is a meaningful undertaking and Petitioner's counsel requests the 60-day extension of time to give the petition the full time and attention it deserves.

### **Conclusion**

For the foregoing reasons, the deadline to file a cert petition should be extended by 60 days.

Respectfully submitted,

/s/ Andrew Grimm

Andrew Grimm

*Counsel of Record*

DIGITAL JUSTICE FOUNDATION

15287 Pepperwood Drive

Omaha, Nebraska 68154

(531) 210-2381

[Andrew@DigitalJusticeFoundation.org](mailto:Andrew@DigitalJusticeFoundation.org)