

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

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

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AMY HADLEY,

*Applicant,*

v.

THE CITY OF SOUTH BEND, ET AL.,

*Respondents.*

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

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January 6, 2026

To the Honorable Amy Coney Barrett, as Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

Applicant Amy Hadley respectfully requests, under this Court’s Rules 13.5, 22, 30.2, and 30.3, that the time for her to file a petition for certiorari be extended 60 days, making the petition due Monday, April 6, 2026.

The Seventh Circuit issued its opinion on October 7, 2025 (Exhibit B) and denied panel rehearing and rehearing en banc on November 7, 2025 (Exhibit A). Without an extension of time, the petition for certiorari would be due on February 5, 2026. The basis for jurisdiction in this Court is 28 U.S.C. § 1254(1) (review of a case in the courts of appeals).

### **Judgment for Review**

This case presents a “serious,” “complex,” and “important question” that has “divided the courts of appeals” and that this Court has “yet to squarely address”: “whether the Takings Clause requires compensation when the government damages private property pursuant to its police power.” *Baker v. City of McKinney*, 145 S. Ct. 11 (2024) (mem.) (Sotomayor, J., joined by Gorsuch, J., respecting denial of cert.).

Amy Hadley’s home in South Bend, Indiana, was targeted, raided, and damaged by a SWAT team based on an erroneous belief that a fugitive was inside. The fugitive had never been there. Hadley and her children who lived there had done nothing wrong; nor had they done anything to invite the police to their home. The police’s blunder left Hadley’s house uninhabitable for days and left her shouldering thousands of dollars in repair costs. The responsible government entities (the City of

South Bend and St. Joseph County) refused to pay her just compensation for the damage.

Hadley sued those entities in Indiana state court, bringing claims for just compensation under the Indiana Constitution and under the Fifth Amendment. After removal to federal court, the district court dismissed the Fifth Amendment claims and remanded the state-law claims.

The Seventh Circuit affirmed. It held that circuit precedent from 2011 foreclosed Hadley's Fifth Amendment claims. Ex. B at 4. That precedent established that when government "actions were taken under the state's police power" rather than the power of eminent domain, as when officers execute a valid warrant, a "Takings Claim is a non-starter": "the Takings Clause does not apply when property is retained or damaged as the result of the government's exercise of its authority pursuant to some power other than the power of eminent domain." *Johnson v. Manitowoc County*, 635 F.3d 331, 336 (CA7 2011). The panel explained that Hadley's case concerns "the 'classic example' of police power: exercising law-enforcement authority," so her Fifth Amendment Takings claims fail. Ex. B at 11.

Hadley petitioned for rehearing en banc, but the petition was denied. See Ex. A.

### **Reasons to Grant an Extension of Time**

Applicant Hadley's pro bono counsel requests a 60-day extension of time to prepare a petition for certiorari that fully and fairly presents the issues to this Court.

In addition to this case, undersigned counsel at the Institute for Justice have pressing obligations pending in this Court and others, including litigation in:

- *King v. United States*, S. Ct. No. 25-729;
- *Mohamud v. Weyker*, S. Ct. No. 25-760;
- *Martin v. United States*, 11th Cir. No. 23-10062;
- *Quiñonez v. USPS*, 9th Cir. No. 25-3386;
- *Rosales v. Lewis*, 5th Cir. No. 25-30650;
- *Carr v. Thomas*, E.D.N.C. No. 7:25-cv-583;
- *George v. DeKalb County Sheriff's Office*, N.D. Ga. No. 1:25-cv-6059;
- *McCarthy v. United States*, D. Ariz. No. 25-cv-2005;
- *Petersen v. Newton*, S.D. Iowa No. 4:23-cv-408;
- *Indiana v. \$42,825.00*, Marion Sup. Ct. (Ind.) No. 49D05-2504-MI-20696.

Counsel also have a January deadline for a law-review article with the Notre Dame Journal of Legislation and a February deadline to file an anticipated lawsuit in a matter now in federal administrative proceedings.

Another reason to grant the requested extension is the pending petition for rehearing en banc in *Pena v. City of Los Angeles*, which presents the same issue as Hadley's case. 158 F.4th 1033 (CA9 2025) (petition for rehearing filed Dec. 18, 2025). Granting the requested extension may allow Hadley to address, in her petition for certiorari, the Ninth Circuit's ultimate decision in *Pena*, giving the Court a fuller picture of the circuit split. The Court may wish to consolidate this case and *Pena* to resolve that split.

Applicant Hadley has not previously sought an extension of time from this Court.

### **Conclusion**

Applicant requests that the time to file a petition for a writ of certiorari in this case be extended 60 days, to and including Monday, April 6, 2026.

Dated this 6th day of January, 2026.

Respectfully submitted,

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