

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

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IN THE SUPREME COURT OF THE UNITED STATES

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James Daryl West,

*Petitioner,*

v.

Sabrina Schultz, et al.,

*Respondents.*

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

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**PETITIONER’S APPLICATION TO EXTEND TIME TO FILE A PETITION FOR  
A WRIT OF CERTIORARI**

To The Honorable Clarence Thomas, Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner James Daryl West respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended by forty-five days to March 22, 2026. The United States Court of Appeals for the Eleventh Circuit issued its opinion and judgment on November 7, 2025. Absent an extension of time, the Petition would be due on February 5, 2026. Petitioner is filing this Application at least ten days before that date. See S. Ct. R. 13.5. This Court would have jurisdiction over the Eleventh Circuit’s judgment under 28 U.S.C. §1254(1).

**Reasons for Granting an Extension of Time**

Petitioner respectfully requests a forty-five-day extension for filing the Petition for these reasons:

1. The request for an extension of time is justified in order to provide undersigned counsel adequate time to prepare the Petition.
2. Undersigned counsel is the Director of the Appellate Litigation Clinic at the Georgetown University Law Center. The

Appellate Litigation Clinic is a clinic run through the law school in which third-year fulltime and fourth-year evening law students litigate appeals in the federal courts of appeals and work on cases before this Court under the supervision of licensed attorneys. Undersigned counsel was appointed by the United States Court of Appeals for the Eleventh Circuit to serve as court-appointed counsel in support of Petitioner James Daryl West. See Order, Doc. 68-2, *West v. Schultz et al.*, No. 22-11541 (CA11 June 18, 2024).

3. The clinic primarily handled Petitioner's Eleventh Circuit case during the 2024-25 academic year. The two students who worked on the opening brief, reply brief, and oral argument graduated in May 2025. The clinic has had to prepare for a new student team to learn about the case and the issues. The Eleventh Circuit issued its opinion and judgment on November 7, 2025, on the eve of the students' fall finals and the fall and winter holidays. The timing of the decision heightened the challenge for students to adequately learn the case.

4. The issues this Petition is likely to address are complicated. They include the proper standard for a deliberate indifference claim under the Eighth Amendment and if this Court's decision in *Monell v.*

*Dep't of Soc. Servs. of City of N.Y.*, 436 U.S. 658 (1978), bars supervisory relief claims against a privately-contracted company providing medical services in state prisons. The Eleventh Circuit issued an *en banc* decision considering the first issue in July 2024. See *Wade v. McDade*, 106 F.4th 1251 (CA11 2024). The court outlined the nuances of the deliberate indifference standard. See generally, *id.* The complexities of these issues would benefit from additional time for review and preparation.

5. The extension will therefore provide adequate time for undersigned counsel and the Appellate Litigation Clinic to fully prepare a Petition for a Writ of Certiorari on Mr. West's behalf.

6. Justices of this Court have approved similar applications. See, *e.g.*, Appl. No. 23A126 (*Currica v. Miller*) (Aug. 14, 2023) (application for extension of time granted by the Chief Justice in light of turnover of appellate litigation clinic personnel).

7. No meaningful prejudice would arise from this extension.

### **Conclusion**

For the foregoing reasons, Petitioner respectfully requests this Court grant his application for an extension of time to file his Petition for a Writ of Certiorari to and including March 22, 2026.

Respectfully submitted,

*/s/ Erica Hashimoto*

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