

No. 25A916

IN THE
SUPREME COURT OF THE UNITED STATES

KATRINA PARKER,

Applicant,

v.

ROSALIE JOHNSON, IN HER OFFICIAL CAPACITY AS ACTING CHIEF ADMINISTRATOR OF THE NEW
JERSEY MOTOR VEHICLE COMMISSION; AND NEW JERSEY MOTOR VEHICLE COMMISSION,

Respondents.

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Third Circuit

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

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

TO: Justice Samuel Alito, Jr., Circuit Justice for the United States Court of Appeals for the Third Circuit:

Under this Court's Rules 13.5 and 22, Applicant Katrina Parker requests an extension of 30 days in which to file a petition for a writ of certiorari in this case.

1. The Third Circuit Court of Appeals issued its decision on October 24, 2025. *See Parker v. N.J. Motor Vehicle Comm'n*, 158 F.4th 470 (3d Cir. 2025); App. 1. The Court denied Parker's timely petition for panel rehearing and for rehearing *en banc* on November 24, 2025, App. 26, making her 90-day deadline to file a petition for a writ of certiorari February 23, 2026. Parker timely sought an extension of time to file that petition, and Your Honor granted Parker a 30-day extension to March 24, 2026.

With the requested additional extension, the petition would be due on April 23, 2026. This application is being filed more than 10 days before the petition is due. *See* S. Ct. R. 13.5. This Court has jurisdiction to review the Third Circuit's judgment under 28 U.S.C. § 1254(1).

2. This case is a serious candidate for review. Title II of the Americans with Disabilities Act ("ADA") and the Rehabilitation Act of 1973 make it unlawful to discriminate against disabled people who are "qualified." 42 U.S.C. § 12132; 29 U.S.C. § 794(a). Under Title II of the ADA, "[t]he term 'qualified individual with a disability' means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices,...meets the essential eligibility requirements for the

receipt of services or the participation in programs or activities provided by a public entity.” 42 U.S.C. § 12131(2). This case involves determining which party has the initial burden of demonstrating that an eligibility requirement is essential. Splitting with several circuit and state courts, the Third Circuit placed that burden on Applicant Katrina Parker.

3. Parker is deaf, and she wanted to become a bus driver in New Jersey. App. 3, 6. To do that, she first needed to obtain a Commercial Driver’s license (“CDL”). App. 6. New Jersey issued her a CDL in 2017 after she received an exemption from the hearing-test requirements that the Federal Motor Carrier Safety Administration (“FMCSA”) generally imposes on those who drive commercial motor vehicles. App. 5-6.

In addition to obtaining a CDL, those who wish to become bus drivers in New Jersey must also apply for and receive passenger (“P”) and school-bus (“S”) endorsements from the state. App. 6-7. That requires passing certain knowledge and skills tests. App. 7. And key here, it also requires passing a hearing test—“regardless of whether the applicant has [been exempted from taking or passing any such test by] the FMCSA.” *Id.* Unlike the federal government, New Jersey will not waive this requirement. App. 7-8. But since hearing-impaired people like Katrina Parker cannot meet this requirement, they cannot become bus drivers in New Jersey.

After Parker received her federal hearing exemption and her CDL, she applied for the P and S endorsements to become a bus driver in New Jersey. She took and passed the skills and knowledge tests for those endorsements, New Jersey issued her

the endorsements, and Parker became a shuttle bus driver at Rutgers University. App. 8. But after eight months of incident-free bus driving, New Jersey rescinded Parker's P and S endorsements when it determined that "her federal [hearing] exemption allowed her to have a CDL, but not a P or S endorsement." App. 8. That meant Parker could no longer work as a bus driver in New Jersey. App. 9.

5. Parker brought suit in the United States District Court for the District of New Jersey, alleging that New Jersey¹ discriminated against her under Title II of the ADA, the Rehabilitation Act, and New Jersey state law, and that it violated her rights under the Fourteenth Amendment of the U.S. Constitution. App. 9-10. On cross-motions for summary judgment, the district court granted New Jersey summary judgment on all of Parker's claims. App. 11.

6. The Third Circuit affirmed. The panel held that Parker is not qualified under the ADA or the Rehabilitation Act because she cannot meet the hearing requirement that New Jersey imposes on those who seek to become bus drivers in the state. App. 13-18. Even though New Jersey did not argue or provide evidence that an ability to hear is necessary to drive a bus, the panel deemed the hearing requirement to be "an essential eligibility requirement," 42 U.S.C. § 12131(2), because (in the panel's view) Parker failed to show that it was *not* essential. The court subsequently denied a petition for *en banc* and panel rehearing. App. 26.

¹ The respondents in this case are the New Jersey Motor Vehicle Commission and Rosalie Johnson, the acting chief administrator of the commission. Parker refers to the respondents as "New Jersey" for ease of exposition.

7. This case raises an important question of law about which party has the initial burden of demonstrating that an eligibility requirement is essential under Title II of the ADA and the Rehabilitation Act. Unlike the Third Circuit in this case, many courts have placed this burden on the defendant. There is a reasonable prospect that this Court will grant the petition to resolve this split, such that it warrants additional time for this important question to be fully addressed.

This application for a 30-day extension seeks to accommodate Parker's legitimate needs. The application is not filed for the purpose of delay. Parker has retained counsel at the University of Minnesota Law School Civil Rights Appellate Clinic. The members of the clinic were not involved in the case in the district court or in the Third Circuit. The extension is needed for the clinic's students and supervising attorneys to fully familiarize themselves with the record, the decisions below, and the relevant case law. In light of the clinic's students' and supervising attorneys' travel plans and other obligations—including submitting merits briefs in cases currently pending in the Sixth, Eighth, and Eleventh Circuits—the clinic would face difficulties completing those tasks by the current due date.

For these reasons, Parker requests that the due date for her petition for a writ of certiorari be extended to April 23, 2026.

Respectfully submitted,



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