No. 26-_____

SUPREME COURT OF THE UNITED STATES

NAYA ABBEY,
Petitioner,

v.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, ET AL.,
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

Jillianne R. Jerkins, Counsel of Record
Lucas E.W. Jerkins, Co-Counsel
Jerkins Law, PLLC
2001 Campbell Station Parkway, Suite A3
Spring Hill, TN 37174
(615) 701-7177 – Telephone
E: Jill@jerkinslawpllc.com
Luke@jerkinslawpllc.com

I. Question Presented

Since the Supreme Court's ruling in *Wallace v Kato*, 549 U.S. 384 (2007), Circuit Courts have been regularly presented with the question of accrual of claims brought under 42 U.S.C. §1983. Across the Circuits, the application of the discovery rule to delay the accrual of a plaintiff's claim can result in different outcomes in cases of similar natures where the defendant has possession of material on which plaintiff relies in realizing of the nature of their claim, the scope of their harm, and the cause of their injury.

Under this framework, Petitioner asks the Court to determine whether courts should or must consider the conduct of a defendant, specifically a government actor, in obscuring or withholding information in the determination of the accrual date of plaintiff's claim.

II. Parties to the Proceeding

Petitioner Naya Abbey is a natural person and citizen of the State of Tennessee at the time of all facts giving rise to her claim.

Respondent Metropolitan Government of Nashville and Davidson County, Tennessee, is a government entity empowered to exercise authority under color of law.

Respondent Officer Terrance Stuckey is or was at all times of the facts giving rise to Petitioner's claims, an officer of the Metropolitan Nashville and Davidson County Police Department, empowered to act under color of law.

D.H., a party to the proceedings, by and through his parents Naya Abbey and Justin Hernandez, in the opinions below is not a party to this petition.

The District Court record reflects defendants, named and unnamed, who are not parties to this petition.

III. Rule 29.6 Statement

Petitioner is a natural person, and no corporate disclosure is required under Rule 29.6.

IV. Statement of Related Cases

The proceedings in other courts directly related to this case are:

Naya L. Abbey, et al. v. Metropolitan Government of Nashville and Davidson County, Tennessee, et al., No. 25-5736, United States Court of Appeals for the Sixth Circuit. Judgment entered July 17, 2026.

Naya L. Abbey, et al. v. Metropolitan Government of Nashville and Davidson County, Tennessee, et al. No. 3:23-cv-00300, United States District Court for the Middle District of Tennessee. Judgment entered July 9, 2025.

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VII. Opinions Below

The United States District Court for the Middle District of Tennessee's unreported order of July 9, 2025, dismissing Petitioner's Complaint is reproduced at 53a. The United States Court of Appeals for the Sixth Circuit's published decision affirming the lower court's judgment on July 17, 2026, is reproduced below at 1a.

VIII. Jurisdiction

Ms. Abbey's case was submitted to the Court of Appeals for the Sixth Circuit on October 6, 2025. The decision was rendered by the Court of Appeals for the Sixth Circuit on July 17, 2026, and the case is reported as *Abbey v. Metro. Gov't of Nashville & Davidson Cnty.*, *Tennessee*, 182 F.4th 496 (6th Cir. 2026). Ms. Abbey invokes this Court's jurisdiction under 28 U.S.C. §1254(1), having timely filed this petition for a writ of certiorari within ninety days of the ruling of the United States Court of Appeals for the Sixth Circuit.

IX. Constitutional Provisions Involved

The Fourth Amendment provides that it is "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated…but upon probable cause, supported by oath or affirmation…"

Section 1983, 42 U.S.C. § 1983 states:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, expect that in any action brought against a judicial officer for an act or omission taken in such's officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

X. Statement of the Case

Petitioner is a United States citizen and Tennessee resident at all times material to this petition, who, on August 14, 2019, was forcibly seized by officers of the Metropolitan Nashville Police Department for reasons Petitioner later learned were fabricated and did not provide probable cause for her stop or arrest. Petitioner was nonetheless deprived of her rights and Defendant obscured the lack of probable cause for the stop for three (3) years. On August 14, 2022, Respondent finally disclosed the dispatch tapes, during the three-year pendency of the criminal case against Petitioner, which showed that there was no basis for the seizure of her person and Terrance Stuckey had fabricated a story during his under-oath testimony before the Davidson County Criminal Court. The criminal case against Petitioner was promptly withdrawn by the State of Tennessee upon disclosure of the dispatch tapes, and Petitioner timely filed suit within one year of the disclosure.

This Court's opinion in *Wallace v. Kato* provides that a plaintiff's claim accrues when she has "a complete and present cause of action." 549 U.S. 384, 388 (2007) (internal citations omitted). The Supreme Court and the Circuit Courts of Appeal have contrasted this standard accrual rule with a discovery rule and have applied the discovery rule in similar cases with varying results across the circuits.

Under this framework, the United States District Court for the Middle District of Tennessee dismissed Petitioner's claims as untimely, applying the standard accrual rule. The United States Court of Appeals for the Sixth Circuit affirmed the accrual

finding and affirmed the judgment of the lower court in a split decision. Petitioners, having reviewed the contrasting results across circuits now request the Court's review.

Pursuant to Rule 14(g)(ii) petition submits that the original basis of federal jurisdiction is pursuant to 29 U.S.C. § 1331, § 1343(a)(3) and (4), and § 1367(a). Petitioner invoked the lower court's jurisdiction over Plaintiff's claims of violation of civil rights pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988, and pendent jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

XI. Reasons for Granting the Writ

This case is one of many that present a question of accrual of a Section 1983 claim where a plaintiff's rights under the fourth amendment have been violated and the source, nature, or scope of that injury has been obscured or withheld by the government actor involved. Nevertheless, Circuits are split on the practical application of the discovery rule and the considerations and results vary depending on Circuit, resulting in an array of standards and no definitive finding that courts, and citizens, can rely on in adjudicating these claims.

A. The Circuit Courts are Divided on the Practical Application of the Discovery Rule

Following the Supreme Court's directive in *Wallace v. Kato*, the Circuit Courts have generally applied the standard that a Plaintiff's claim accrues "when the Plaintiff has a complete and present cause of action." 549 U.S. 384, 388 (2007). The Court further stated that this accrual is when "the plaintiff can file suit and obtain relief." *Id.*, citing *Bay Area Laundry and Dry-Cleaning Pension Trust Fund v. Ferbar Corp. of Cal.*, 522 U.S. 192, 201 (1997). The Court has recognized, however, a discovery rule, which would delay the accrual from the moment of harm to some other date relative to the facts of the case. *See Rotkiske v. Klemm*, 589 U.S. 8, 14 (2019). Though the Court has acknowledged in *Rotkiske* the diverse applications of the discovery rule and remarked on the abstract nature of those applications, no express guidance exists on the application of the discovery rule and form and substance necessary for

determining that application. As such, the Circuit Courts have applied this principle with varying results.

In the United States Court of Appeals for the First Circuit, the court has endorsed a reasonably prudent person standard, in which a plaintiff's claim accrues when a reasonably prudent person in the same or a similar situation would have known they had suffered that injury. *Ouellette v. Beaupre*, 977 F.3d 127, 136–37 (1st Cir. 2020). In *Ouellette*, the Circuit Court contrasted different types of cases and plaintiffs, and reasoned, relevant to Petitioner's claim, that "in other cases still, the injury may be apparent, but 'the facts about causation may be in the control of the putative defendant, unavailable to the plaintiff or at least very difficult to obtain.'" *Id.* (quoting *Jardin De Las Catalinas Ltd. P'ship v. Joyner*, 766 F.3d 127, 133 (1st Cir. 2014) (alteration omitted) (quoting *United States v. Kubrick*, 444 U.S. 111 at 122 (1979)). From this analysis, the First Circuit directs its lower courts to consider information available to the plaintiff and the outcome of discovery efforts. *Id.* This standard provides a flexibility in the application of the discovery rule that exists in some of its sister circuits but not in others.

The Second Circuit Court of Appeals endorses a similar "diligence-discovery" standard specifically in cases where, as in Petitioner's case, "the government conceals the acts giving rise to the plaintiff's claim, or where [the] plaintiff would reasonably have had difficulty discerning the fact or cause of the injury at the time it was inflicted." *Pipitone v. City of New York*, 57 F. Supp. 3d 173, 186

(E.D.N.Y. 2014) (citing *Kronisch v. United States*, 150 F.3d 112, 123 (2d Cir. 1998)). This framework would, as in the First Circuit, grant a plaintiff a road to relief under a fact-intensive analysis that is not available in other circuits.

For example, in the Fifth Circuit, the discovery rule as applied in Section 1983 cases is narrowed to a "knew or reasonably should have known" standard and does not readily provide a vehicle for a plaintiff to have even a basic understanding of her claim before that claim accrues and her statute begins to run. *See Jenkins v. Tahmahkera*, 151 F.4th 739, 747–48 (5th Cir. 2025) ("She need not have actual knowledge of every fact necessary to file suit, and she need not know that she has a legal claim."). This standard is a stark contrast to the standard used by sister circuits faced with the same question.

In further contrast, the Court of Appeals for the Seventh Circuit employs an overly-simplistic standard that, completely contrary to the standards used in the First and Second Circuits, places the full weight of any question squarely and unequivocally on the shoulders of the plaintiff. In *Kelly v. City of Chicago*, the Court of Appeals reasoned:

> The plaintiffs also argue that they did not discover the police officers' perjury until after Kelly and Smith were acquitted of the state criminal charges, and therefore that the discovery rule should postpone accrual of the section 1983 claim until that day. This is simply a flawed argument. If the plaintiffs were not involved with drugs,

> they would have known the police officers' statements were false when they were uttered. The plaintiffs would not need to wait for the state to confirm their impeccability…

4 F.3d 509, 513 (7th Cir. 1993). Notwithstanding a pleading standard that requires a plaintiff to do more than recite what she believes and a qualified immunity standard that weighs the statements of the government actor with greater deference than that of the citizen trying to vindicate their rights, the Court of Appeals for the Seventh Circuit would have a plaintiff bring her claim based on her opinion of the situation alone, and then under those same standards strike her case down at the motion to dismiss stage because she is required to show even at the pleading stage that the officer "violate[d] clearly established law." *Pearson v. Callahan*, 555 U.S. 223 (2009).

Perhaps most reflective of the general state of the application across the circuits is the United States District Court for the Southern District of Georgia's remark that the Eleventh Circuit Court of Appeals' use of the discovery rule in Section 1983 cases is "ambiguous," leaving courts in this circuit in the unenviable position of just working out an applicable standard on a case-by-case basis, which cannot promote or provide for consistency and the administration of justice. *Ballard v. Kesner*, No. CV421-005, 2023 WL 2450175, at *7 (S.D. Ga. Jan. 6, 2023).

B. This Case is Worthy of the Court's Review

Petitioner submits that this case is worthy of and deserving of the Court's review. As the Court can see from the factual background recited in the opinions of the lower courts, Petitioner was stopped and pulled from her vehicle at gunpoint while her child sat in the back seat. At Plaintiff's arraignment, Officer Stuckey testified under oath that Plaintiff evaded a traffic stop, ran through lights, and almost hit a pedestrian. He stated that he had his lights and sirens engaged for several minutes before Petitioner pulled over and used this to justify his excessive force in removing her from the vehicle and pinning her to the ground.

Petitioner was criminally charged, and her case sat pending for *three years* before the Government disclosed the dispatch tapes that showed everything Officer Stuckey testified to be a lie. Every basis he gave for her arrest was a fabrication. The criminal case against her was immediately dismissed, but the damage had already been done. Petitioner lost her housing; she became homeless; she lost custody of her son, who was sent to live out of state with his father; she was sexually assaulted while living on the street and gave birth to a baby that died shortly after birth due to her inability to get treatment for gestational diabetes. All of this occurred while the government held the dispatch tapes that showed beyond any doubt that their officer lied over and over again at the direct expense of the citizen that he is sworn to protect.

Under the existing framework, Petitioner certainly could have filed her complaint within a year of her arrest, and that complaint would have been measured against Officer Stuckey's sworn testimony under the existing qualified immunity analysis, and her case would have been dismissed. The government in this case abused its position of authority and power by withholding the dispatch tapes until they were safe from any and all liability by virtue of the statute of limitation. They bluffed on a legal framework that currently allows the government to hold the upper hand and to this point, that plan has worked. Officer Stuckey bears no consequences for his actions, and Petitioner Naya Abbey bears them all.

The deeper factual circumstances of this case are incredibly compelling because the rights of the people are paramount. This case is comparable to *Miranda v. Arizona*, 384 U.S. 436 (1966), *Mapp v. Ohio*, 367 U.S. 643 (1961), *Gideon v. Wainwright*, 372 U.S. 335 (1963), and *Tennessee v. Garner*, 471 U.S. 1 (1985) in which the Court was confronted with the basic question of whether the government can take the upper hand in situations that directly implicate a citizen's right to life and liberty, and the Court in those cases drew a clear line. Petitioner submits that the same is necessary and worthwhile here. The Court must draw a clear line on accrual in cases such as these, where the government has left the consequences of their actions at the feet of the individuals in their care. To do otherwise would create a clear strategy by which government actors can withhold information until a statute of limitations has expired only then to release the withheld information and avoid liability.

Petitioner submits that this is exactly what has happened in the Sixth Circuit. The ruling issued in Petitioner's case has created or affirmed a legal loophole whereby a government actor can circumvent culpability by holding the Plaintiff and the exculpatory evidence long enough that the statute of limitations protects them. This case presents a clear example of a plaintiff who is damned if she does and damned if she doesn't under a contradictory or obfuscatory legal standard.

C. This Case Presents an Excellent Vehicle for the Court's Determination of the Application of the Discovery Rule in Accrual of Civil Rights Claims

In addition to review being both necessary and deserved, this case presents an excellent vehicle for the Court's review. The facts relevant to the Court's analysis of the discovery rule are generally undisputed. The parties generally agree that the Plaintiff was pulled over and seized based on the allegations of Officer Stuckey that she committed traffic violations. (The parties disagree on the merit and veracity of those allegations but agree that the allegations themselves were the basis of the stop.) The parties agree that the dispatch tapes were disclosed three years after the arrest. (The parties disagree on the propriety, legality, and effect of that disclosure.) The parties agree that the State dismissed the criminal charges after that disclosure. The parties agree that Plaintiff filed her complaint within one year of that disclosure. Notwithstanding the effects and impacts of this conduct on Petitioner, the Court will have a narrow but widely applicable

fact pattern for determination of the question of accrual when the necessary information is in the putative defendant's possession and there is a clear timeline with which to work.

Petitioner's case presents an intersection of facts and procedural circumstances sufficient for the Court to make a determination widely applicable for Circuit Courts. Because the question presented is one of the application of the accrual of a claim made under federal law, and because that question is common amongst the Circuits, reviewing Petitioner's claim and the Court's determination of the question presented will provide much needed guidance to the lower courts addressing accrual in Section 1983 cases broadly.

Finally, a decision in this case is necessary to remedy the current circuit split on the application of the discovery rule. Under the varying standards presented, *supra*, Petitioner's case would have found different outcomes in different Circuits presented with these same facts. In short, the analysis is not so fact-intensive as to deprive a universal application across Circuits and the determination of vastly different outcomes now existing. As previously discussed, in the First Circuit, the Court would have considered these same facts with the framework of whether the facts of causation were in the control of the defendant. The same is true of an analysis by the Second Circuit. In contrast the Sixth and Seventh Circuits disregard completely this same analysis of the putative defendant's role in a plaintiff's understanding of her case. As a result, Petitioner would have received a different outcome had she

brought her claim in a different location, contrary to the consistent administration of justice. Resolution of the question would provide for uniform application and straightforward nature of Petitioner's claim would easily allow for that application.

D. The Decision of the Court of Appeals for the Sixth Circuit is Incorrect and Petitioner is Entitled to Relief from the Judgment of the Court

Finally, Petitioner submits that the Sixth Circuit's determination in her case is in error for all the reasons stated herein. Specifically, however, Petitioner submits that the intersection of the directives of *Wallace v Kato* and *Brady v. Maryland* clashed in Petitioner's case and resulted in the Sixth Circuit establishing a legal loophole by which the government in all cases in the Sixth Circuit now has a clear roadmap for avoiding legal liability in any case where their officers erred.

The Sixth Circuit found that the accrual of Section 1983 claims does "not turn on facts peculiarly in the defendant's control." *Abbey v. Metro. Gov't of Nashville & Davidson Cnty., Tennessee*, 182 F.4th 496, 502 (6th Cir. 2026). The court further opined that Petitioner does not need to wait until she had "enough information to win the case" and instead had sufficient notice when she was arrested for something she knew she did not do and could have investigated the matter further. Id.

The court's opinion completely overlooks its own subsequent determination that the government did not violate Petitioner's rights by withholding the

dispatch tapes. Petitioner cannot force the disclosure of the very facts the court now says she should have investigated. Under the framework here, Petitioner should have investigated further, but any investigation would have resulted in the same outcome because the government can hold the exculpatory evidence for as long as it wants, provided that it is disclosed before trial. The Sixth Circuit made two conflicting findings, each in its own vacuum of law, and overlooked how the interplay of those findings results in a conclusion that provides absolutely no guidance to future putative plaintiffs or their counsel on how to defend and vindicate the rights of the individual. Once again, Petitioner is left with immeasurable harm and no recourse.

Petitioner respectfully submits that the Court should consider the contradictory findings made by the lower court to be error and grant Petitioner relief from those findings through a determination of the application of the discovery rule on the accrual of her claims.

XII. Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit and Petitioner asks that this Court review the contrasting authority in other Circuits to determine a single, cohesive guidance on the application of the discovery rule in Section 1983 cases.

Respectfully Submitted,

Jillianne R. Jerkins
Lucas E.W. Jerkins
Jerkins Law, PLLC
2001 Campbell Station Parkway,
Suite A3
Spring Hill, TN 37174
(615) 701-7177 – Telephone
(615) 434-5203 – Facsimile
E: luke@jerkinslawpllc.com
Jill@jerkinslawpllc.com

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