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No.

In the Supreme Court of the United States

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

LaTausha Simmons,
Petitioner,

v.

Wayne County, MI;
Daniel Pfannes, Undersheriff;
Robert Dunlap, Chief of Jails and Courts;
James Davis, Deputy Chief of Jails;
John Does, Courtroom Wayne County Sheriff Deputies;
Center for Forensic Psychiatry;
Estelle Horne, Acting Hospital Director;
Jane Doe, Black Female Examiner at CFP;
and Judge Regina D. Thomas,
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

LATAUSHA SIMMONS
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Detroit, Michigan 48234

Petitioner, Pro Se

QUESTIONS PRESENTED

1. Whether the Decision Below Conflicts with This Court's Precedents on Access to Courts and the Liberal Construction of Pro Se Filings.
2. Whether a *pro se* civil rights plaintiff demonstrates "extraordinary circumstances" under Federal Rule of Civil Procedure 60(b)(6) sufficient to justify reopening a final judgment when, for a two-month period critical to post-judgment deadlines, she was illegally, unlawfully and unconstitutionally imprisoned by the defendants themselves and held in a jail cell for nearly two weeks without any means to access the courts, including being denied mail, telephone, and writing materials.
3. Whether a court of appeals errs by applying a strict forfeiture rule to a *pro se* litigant who focuses her appellate brief on the merits of the underlying dismissal rather than the procedural denial of her post-judgment motion, particularly when the basis for the post-judgment motion—unconstitutional interference with her right of access to the courts—is inextricably intertwined with the substantive claims against the defendants.
4. Whether the continuing violations doctrine applies to toll the time for filing a post-judgment motion where state actors, who are the defendants in the underlying § 1983 action, commit new, related constitutional violations (false imprisonment and denial of access to the courts) after judgment has entered, and where the related criminal case against the petitioner was not terminated in her favor until November 24, 2025 after the appeal was decided.

LIST OF PARTIES

The Petitioner is LaTausha Simmons, Pro se, Petitioner.

and

The Respondents are:

Wayne County, MI;

Daniel Pfannes, Undersheriff;

Robert Dunlap, Chief of Jails and Courts;

James Davis, Deputy Chief Of Jails;

John Does, Courtroom Wayne County Sheriff Deputies;

Center for Forensic Psychiatry;

Estelle Horne, Acting Hospital Director;

Jane Doe, Black Female Examiner at CFP, Forensic Examiner at CFP;

and

Judge Regina D. Thomas.

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I. PETITION FOR WRIT OF CERTIORARI

LaTausha Simmons petitions the Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

II. OPINIONS BELOW

The order of the United States Court of Appeals for the Sixth Circuit is not recommended for publication and is attached as Appendix A. The district court's December 20, 2023 order granting Plaintiff's motion for leave to file a late notice of appeal, is attached hereto as Appendix B. The district court's order denying Plaintiff's motion to extend page limits and striking objections, adopting the magistrate judge's September 11, 2023 report and recommendation and granting dispositive motions, sua sponte dismissing Plaintiff's claims against defendant Thomas, and declining to exercise supplemental jurisdiction and denying Plaintiff's Motion to Amend and dismissing with prejudice the federal claims and dismissing state law claims without prejudice and dismissing Plaintiff's Amended Complaint is attached hereto as Appendix C. The district court's order adopting the magistrate judge's February 15, 2023 report and recommendation is attached as Appendix D.

III. JURISDICTION

The United States Court of Appeals for the Sixth Circuit entered its judgment on March 6, 2026. This Court granted an extension of time to file a petition for a writ of certiorari to and including August 3, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1) and Supreme Court Rule 13.

IV. RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The First Amendment to the United States Constitution provides, in relevant part: "Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances." (as applied to the states through the Fourteenth Amendment, encompasses the right of access to the courts).

U.S. Constitution, Amendment XIV, Section 1 “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

42 U.S.C. § 1983 provides, in relevant part: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State ... 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 ...”

Federal Rule of Civil Procedure 59. New Trial; Altering or Amending a Judgment.

Federal Rule of Civil Procedure 60(b) provides, in relevant part: **Grounds for Relief from a Final Judgment, Order, or Proceeding.** On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: ... (6) any other reason that justifies relief.

Federal Rule of Civil Procedure 60(c) provides, in relevant part: **(1) Timing.** A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

This Court’s decisions have established that the right of access to the courts is a fundamental right implicit in the Constitution. *See, e.g., Bounds v. Smith*, 430 U.S. 817 (1977); *Lewis v. Casey*, 518 U.S. 343 (1996). This Court has also repeatedly held that the pleadings of *pro se* litigants are to be held to less stringent standards than formal pleadings drafted by lawyers. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

V. STATEMENT OF THE CASE

A. Introduction

This case presents a profound question of justice: whether citizens can be denied their day in court because of unconstitutional conduct perpetrated by the very state actors they seek to hold accountable. Petitioner LaTausha Simmons, a *pro se* litigant, filed a civil rights action under 42 U.S.C. § 1983 against Respondents, including Wayne County and its officials, alleging false arrest, false imprisonment, and other constitutional torts stemming from the repeated arrest and jailing in August 2019, which stemmed from the August 27, 2018 arrest and prosecution of her in the state court. Accordingly, this case presents the extraordinary circumstances under the continuous violation doctrine wherein a state court criminal case terminated in favor of Plaintiff on November 24, 2025, and involves this *pro se* civil rights plaintiff being physically and unconstitutionally prevented from accessing the courts by the very defendants she sued, and then having her claims procedurally defaulted by the federal courts for the delays caused by that obstruction repeatedly since August 2019.

On or around August 15, 2022, by U.S mail due to the COVID pandemic and per the Eastern Michigan District Court's covid administrative orders for new complaints to be filed by U.S. first class mail, when Petitioner Simmons, proceeding *pro se*, filed a 42 U.S.C. § 1983 action against Wayne County, the Wayne County Jail, and various state and county officials. Her complaint alleged serious federal and state constitutional violations arising from her 2019 arrest, detention, and prosecution, including civil conspiracy, false arrest, false imprisonment, and excessive force. In October 2023, the United States District Court for the Eastern District of Michigan adopted a magistrate judge's report and recommendation and dismissed the case. The district court granted Petitioner an extension of time to file a notice of appeal from the dismissal on December 20, 2023, attached as Appendix B. However, before she could act, her § 1983 claims ripened from allegation to reality once more. What followed is the basis for this Petition.

On or around January 24, 2024, she was again falsely arrested and unconstitutionally jailed by agents of the defendants. This new period of incarceration lasted until on or around March 11, 2024. During this time, she was not merely incarcerated; she was actively and completely cut off from the outside world and the judicial system. She was held in the defendant Wayne County Jail, where she was placed in a cell for 24 hours a day for nearly two weeks, denied any means of communication with the outside world—including mail, telephone, and writing materials—and was physically assaulted and battered by deputies. She was completely cut off from the judicial system and rendered incapable of prosecuting her case or filing a timely appeal. This state-sponsored obstruction created an insurmountable barrier to her fundamental right of access to the courts.

After her release, Ms. Simmons diligently attempted to resurrect her case. In April 2024, shortly after her release, Petitioner moved for another extension of time, explaining that her unconstitutional jailing had prevented her from meeting court deadlines. The district court denied the motion, stating that the time to appeal could not be extended further but noting that the timeliness of any post-judgment motion under Federal Rules of Civil Procedure 59 or 60(b) would be assessed when filed. After navigating the fallout from her wrongful incarceration, in December 2024, Petitioner Ms. Simmons filed a formal motion to reinstate her case under Federal Rules of Civil Procedure 59 and 60(b), again citing her imprisonment and the resulting denial of her right to prosecute her claims. She again explained that her delay was the direct result of being “illegally, unlawfully, and unconstitutionally repeatedly falsely arrested and falsely imprisoned from January 24, 2024 through on or after March 11, 2024,” which denied her fundamental right of access to the courts. The district court denied the motion as untimely on April 22, 2025, completely ignoring the fact that the delay was caused by the Respondents’ own illegal conduct and faulted Ms. Simmons for not filing the motion sooner after her release and for failing to provide a sufficient explanation for delay.

Petitioner appealed to the United States Court of Appeals for the Sixth Circuit. In her *pro se* appellate brief, she focused on the merits of the district court's original dismissal of her § 1983 claims. The Sixth Circuit, in an unpublished, per curiam opinion, affirmed the district court's denial of her motion to reinstate. The panel first held that Ms. Simmons had forfeited any challenge to the denial of her reinstatement motion because her *pro se* appellate brief focused on the merits of the underlying dismissal of her complaint rather than separately and explicitly arguing why the denial of reinstatement was an abuse of discretion. App. 3 (citing *Scott v. First S. Nat'l Bank*, 936 F.3d 509, 522 (6th Cir. 2019)).

In the alternative, the panel held that the district court did not abuse its discretion in denying the motion as untimely. Critically, as to Rule 60(b)(6)'s standard, the court found Petitioner's explanation for the delay—her two-month incarceration—was not a “reasonable basis” for the full delay before filing. The court's opinion contains no mention of the fact that the defendants she sued were the ones who imprisoned her. It failed to acknowledge that this was not mere incarceration, but a targeted, state-caused obstruction of justice that completely severed her access to the courts. The court failed to address Petitioner's specific allegations that she was held incommunicado by the defendants or consider the practical difficulties faced by a *pro se* litigant recently released from an unconstitutional and traumatic confinement.

In a final, crucial development, the criminal case that formed the basis for Ms. Simmons's § 1983 claims in this case, terminated in her favor on November 24, 2025, with all charges dismissed. This favorable termination removed any potential bar under *Heck v. Humphrey*, 512 U.S. 477 (1994), and confirmed the unconstitutional nature of the very act that the lower courts ruled was an insufficient reason for her delay. This Court granted an extension to file this petition until August 3, 2026.

VI. REASONS FOR GRANTING THE WRIT

This petition presents questions of exceptional public importance regarding the fundamental right of access to the courts and the procedural hurdles faced by *pro se* litigants, particularly when state actors actively obstruct that access. The Sixth Circuit's decision excuses unconstitutional conduct by government defendants, punishes the victim of that conduct with forfeiture, and misapplies this Court's precedents that require solicitude for *pro se* plaintiffs. This case presents an important and recurring question of federal law: whether a litigant's unconstitutional imprisonment by the opposing party, which physically prevents any access to the judicial system, constitutes "extraordinary circumstances" justifying relief under Federal Rule of Civil Procedure 60(b)(6). Moreover, the Sixth Circuit's decision creates a direct conflict with this Court's long-standing precedents guaranteeing a meaningful right of access to the courts and mandating the liberal construction of *pro se* filings.

First, the opinion deepens a divide among the circuits on how to evaluate "extraordinary circumstances" under Rule 60(b)(6) when a litigant's delay is caused by the opposing party's misconduct. **Second**, it applies a forfeiture rule with a severity that conflicts with this Court's mandate in *Erickson v. Pardus*, 551 U.S. 89 (2007), to liberally construe *pro se* pleadings. The court of appeals' rigid application of the forfeiture doctrine to a *pro se* litigant in these circumstances is contrary to the equitable principles underlying that doctrine and this Court's instructions in *Haines v. Kerner*, 404 U.S. 519 (1972), and *Erickson v. Pardus*, *supra*. **Finally**, the case offers a critical opportunity for the Court to clarify how the continuing violations doctrine applies when defendants commit new, related constitutional torts after judgment, thereby manufacturing a procedural default. The integrity of the judicial process is at stake. Allowing a federal court to dismiss a civil rights case as untimely—when the untimeliness was caused by the defendants' own illegal acts of false imprisonment and obstruction—undermines public confidence in the rule of law and creates a perverse incentive for government actors to interfere with litigation.

Review by this Court is necessary to correct this manifest injustice, necessary to resolve these conflicts and to clarify the law and provide clear guidance on issues of profound importance to the administration of justice. The questions presented here are not merely of personal concern to Ms. Simmons; they implicate the rights of all citizens to seek redress in federal court without fear that state actors will physically obstruct their access to the judicial system. *See* Sup. Ct. R. 10; *Brown v. United States*, 139 S. Ct. 14 (2018); *Visciotti v. Martel*, 862 F.3d 749, 760 (9th Cir. 2016).

I. The Decision Below Conflicts with This Court's Precedents on Access to Courts and the Liberal Construction of Pro Se Filings

The fundamental right of access to the courts is “one of the fundamental rights protected by the Constitution.” *Bounds v. Smith*, 430 U.S. 817, 821 (1977). This right requires that access be “adequate, effective, and meaningful.” *Id.* at 822. The Sixth Circuit’s opinion gives no weight to this bedrock principle. It treated Ms. Simmons’s unconstitutional jailing by Respondents as a mundane excuse for delay, rather than as a direct, state-sponsored assault on her ability to seek redress from those very state actors.

This Court has clarified that to state a claim for denial of access, a litigant must show an “actual injury.” *Lewis v. Casey*, 518 U.S. 343, 349 (1996). An actual injury occurs when a litigant demonstrates that the alleged shortcomings in legal assistance “hindered his efforts to pursue a legal claim.” *Id.* at 351. Ms. Simmons’s situation is the quintessential example of such an injury. For a critical period following the judgment against her, she was not merely hindered; she was completely incapacitated by the Respondents’ actions. Being held in a jail cell for 24 hours a day, without mail, phone, or writing materials, is not a “shortcoming” in a legal assistance program it is total and complete destruction of any possibility of court access.

Courts across the country recognize that such absolute denials of communication are unconstitutional. *See, e.g., Ching v. Lewis*, 895 F.2d 608, 610 (9th Cir. 1990) (denial of contact visits with attorney “unnecessarily abridges the prisoner’s right to meaningful access

to the courts”); *Peterkin v. Jeffes*, 855 F.2d 1021, 1037-38 (3d Cir. 1988) (access must be available for civil rights actions); *Ortiz v. McBride*, 56 F.3d 67 (7th Cir. 1995) (access must be “meaningful”); *Hooks v. Wainwright*, 536 F. Supp. 1330, 1342 (M.D. Fla. 1982) (even access to a full law library is insufficient for confined prisoners).

The Sixth Circuit ignored this entire body of law. It failed to engage with the substance of Ms. Simmons’s claim: that her delay in filing was not a product of neglect, but of a state-created impossibility. The court’s reasoning—that she “did not articulate a reasonable basis for delay” beyond citing her two-month incarceration—is a manifest failure to liberally construe a pro se litigant’s filings as required by this Court. App. 5. Ms. Simmons plainly stated that she was “illegally, unlawfully, and unconstitutionally repeatedly falsely arrested and falsely imprisoned” and thereby “denied her constitutional right of access to the courts.” The only reasonable interpretation of this pro se allegation, read with the solicitude this Court requires, is that the unconstitutional imprisonment *was* the reason for the delay.

By reducing this constitutional violation to a mere failure of explanation, the Sixth Circuit acted in direct contravention of *Erickson* and *Haines*. A pro se litigant who alleges she was jailed by the defendants and cut off from the world has articulated the most reasonable basis for delay imaginable. The lower court’s refusal to recognize this creates a conflict with this Court’s foundational precedents on both the right of access to the courts and the standards governing pro se litigation. This Court should grant the petition to correct this error and reaffirm that the right of access is not an empty promise, particularly for those most vulnerable to the power of the state.

II. The Sixth Circuit’s Decision Deepens a Circuit Split on What Constitutes “Extraordinary Circumstances” Under Rule 60(b)(6) for Incarcerated Litigants.

This Court has held that Rule 60(b)(6) is a grand reservoir of equitable power to do justice in a particular case, reserved for “extraordinary circumstances.” *Buck v. Davis*, 580 U.S. ___, 137 S. Ct. 759, 777-78 (2017); *Gonzalez v. Crosby*, 545 U.S. 524, 536 (2005). This

case squarely presents the question of whether there can be any circumstance more "extraordinary" or more corrosive to public confidence than when state actors, having been sued for constitutional violations, retaliate by imprisoning the plaintiff and physically cutting off her access to the court that is meant to be her forum for redress. There can be few circumstances more "extraordinary" than a plaintiff in a § 1983 case being falsely imprisoned by the defendants she has sued, held in isolation, and actively prevented from meeting court deadlines.

The Sixth Circuit's summary conclusion that this two-month, incommunicado detention was not a "reasonable basis for delay" creates a conflict with other circuits that have recognized obstructive acts by state actors or prisons as grounds for equitable relief. The Sixth Circuit's opinion answers this question with a deafening silence. It analyzes the timeliness of Ms. Simmons's motion as if her incarceration were a neutral, self-imposed event, untethered to the defendants or the substance of her lawsuit.

Petitioner Simmons was not merely jailed; she was held by the named defendants, subjected to excessive force where she was physically assaulted, battered resulting in physical and emotional injuries and, for a critical period, was denied all access to mail, telephones, or writing materials. This is a direct violation of the fundamental right of access to the courts. *See Bounds v. Smith*, 430 U.S. 817 (1977); *Lewis v. Casey*, 518 U.S. 343 (1996) (requiring that access be "meaningful"). When prison officials actively prevent an inmate from pursuing a legal claim, an actual injury has occurred.

The Sixth Circuit panel, however, treated this constitutional violation as a trivial inconvenience. It cursorily dismissed Petitioner's explanation and demanded she account for the eight months following her release, ignoring the substantial challenge a *pro se* individual faces in recovering from a traumatic, wrongful incarceration and resuming complex litigation without resources.

The court's analysis focused narrowly on Petitioner's diligence, failing to properly weigh the extraordinary nature of the defendants' intervening misconduct. *Cf. Tyler v. Andersons*, 749 F.3d 499, 510 (6th Cir. 2014) (requiring the moving party to "articulate a reasonable basis for delay"). The most reasonable basis for delay is the unconstitutional action of one's opponent.

This approach creates a rule of law that is both dangerous and untenable. It allows government defendants to actively sabotage litigation against them and then hide behind the very procedural defaults they have manufactured. Such a result is not only unjust to the individual litigant but also fundamentally undermines the deterrent purpose of § 1983 and the integrity of the federal courts. The question of whether such conduct constitutes a per se "extraordinary circumstance" under Rule 60(b)(6) is an issue of exceptional importance that has not been, but should be, settled by this Court.

Other circuits have been more willing to find extraordinary circumstances where a litigant's access to the courts is impeded by external forces, particularly the actions of state officials. Moreover, other circuits have recognized that external impediments far less severe than what Ms. Simmons experienced can constitute extraordinary circumstances. *See, e.g., Berman Justus, Jr. v. Harold Clarke*, No. 21-7299, 2023 U.S. App. LEXIS 21473 (4th Cir. Aug. 15, 2023) (severe mental impairment can be an extraordinary circumstance). The analysis should focus on whether the circumstances were "beyond [the party's] control or external to his own conduct" and "prevented him from filing on time." *Jahagirdar v. The Computer Haus NC, Inc.*, No. 3:20-CV-00624, 2022 U.S. Dist. LEXIS 26237, at *12 (W.D.N.C. Feb. 15, 2022).

Being unconstitutionally jailed by the opposing party and held incommunicado is the epitome of an external event beyond the litigant's control. As the Sixth Circuit itself recognized in a different context, to deny relief when a litigant's ability to file is obstructed by the unconstitutional conduct of state actors is "to acquiesce in the unconstitutional conduct

of prison guards.” *Tanner v. Yukins*, 776 F.3d 434, 439 (6th Cir. 2015), discussed in *King v. Johnson*, No. 19-20443, 2021 U.S. Dist. LEXIS 121516, at *34 (D.N.J. June 30, 2021). The Sixth Circuit’s decision here does precisely that: it acquiesces in the Respondents’ unconstitutional obstruction of justice. The Sixth Circuit’s rigid approach in this case, by contrast to other circuits, creates a rule where state actors can benefit from their own unconstitutional conduct. They can wrongfully imprison a plaintiff, cut off her access to the courts to make her miss a deadline, and then defeat her claims on the procedural ground they manufactured.

This Court should grant certiorari to resolve this tension and clarify that deliberate, unconstitutional obstruction of a litigant’s access to the judicial system by the opposing party constitutes an “extraordinary circumstance” under Rule 60(b)(6) *per se*. Moreover, this Court should grant certiorari to clarify that Rule 60(b)(6) is a vital tool to prevent such a perverse outcome and to ensure that courts do not become unwitting accomplices to the violation of constitutional rights. The “reasonableness” of any subsequent delay must be viewed through the lens of that profound interference.

III. The Sixth Circuit’s Strict Application of Forfeiture to a Pro Se Litigant Conflicts with This Court’s Precedents Mandating Liberal Construction.

The Sixth Circuit’s primary reason for affirming was that Petitioner “forfeit[ed]” her appeal by focusing her brief on the merits of her § 1983 claims instead of the district court’s procedural denial of her Rule 60(b) motion. Citing *Scott v. First S. Nat’l Bank*, 936 F.3d 509, 522 (6th Cir. 2019), a case involving a counseled party, the panel applied this rigid rule to a *pro se* litigant without acknowledging the unique circumstances. This mechanical application of forfeiture is contrary to the letter and spirit of this Supreme Court’s instructions in *Erickson v. Pardus*, 551 U.S. at 94, and *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

Moreover, this hyper-technical application of an appellate waiver rule to a *pro se* litigant who was challenging the very foundation of the judgment against her is contrary to the spirit, if not the letter, of this Court's repeated admonitions in *Haines* and *Erickson*. The forfeiture rule cited by the panel, *Scott v. First S. Nat'l Bank*, 936 F.3d 509 (6th Cir. 2019), is a prudential doctrine designed to ensure orderly appellate review, not a jurisdictional straightjacket to be used to avoid addressing manifest injustice.

This Court has consistently held that a “document filed *pro se* is to be liberally construed,” and “a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson*, 551 U.S. at 94 (citations omitted). While this standard does not excuse a complete failure to raise an issue, it should prevent a court from finding forfeiture where the issue is inextricably intertwined with the arguments that were raised.

Here, for a *pro se* litigant like Ms. Simmons, the distinction between an appeal from the denial of reinstatement and an appeal from the underlying judgment is not an obvious one. Her motion for reinstatement was premised on her inability to timely appeal the original judgment and brief focused on why her case was wrongfully dismissed in the first place—the very reason she sought reinstatement. For a layperson, the injustice of the Rule 60(b) denial flows directly from the injustice of the underlying dismissal. Her narrative explained that the defendants’ ongoing constitutional violations (the false arrest and dismissal of her claims) were part of a single, continuing course of conduct. To a *pro se* litigant, arguing the merits of her wrongfully dismissed claims is the reason for challenging the denial of reinstatement. The two are not separate legal abstractions but part of the same story of injustice.

To hold that she forfeited her appeal by failing to use precise legal terminology to separate the procedural from the substantive is to elevate form over substance in a way this Court has repeatedly cautioned against in the *pro se* context. See *Erickson*, 551 U.S. at 94 (“A document filed *pro se* is to be liberally construed...”).

The Sixth Circuit should have construed her brief as implicitly challenging the denial of the reinstatement motion *because* the underlying dismissal was erroneous and her ability to seek redress was thwarted by defendants. The Sixth Circuit's decision allows a procedural rule to defeat a meritorious constitutional claim that was thwarted by the defendants' own illegal acts. This result is inequitable and conflicts with the core purpose of federal civil rights litigation.

Furthermore, the forfeiture analysis ignores the broader context of a continuing constitutional violation, the unconstitutional acts that led to Ms. Simmons's imprisonment from January 2024 to March 2024 were a continuation of the same pattern of conduct by the same actors that gave rise to her original § 1983 claims. The Respondents' post-judgment conduct was not a separate, discrete event; it was the culmination of their efforts to silence Ms. Simmons and insulate themselves from liability.

The panel had before it the full record, including the motion explaining her unconstitutional jailing. It had a duty to look past the inartful pleading to the substance of the grievance. By refusing to do so, the Sixth circuit court created a procedural trap that is particularly unfair to those, like Petitioner Simmons, who are victims of the very system they are attempting to navigate. The panel's decision effectively holds that a *pro se* litigant who is unconstitutionally jailed by her opponents must, upon release, demonstrate the legal precision of a seasoned appellate attorney or lose her rights. If allowed to stand, the decision below would establish a dangerous precedent applicable to all citizens who bring civil rights claims against government entities, permitting those entities to evade accountability through deliberate interference with court access. Such a result is not only unjust but also erodes the principle of meaningful court access for all.

This Court should grant review to clarify that *pro se* filings must be read holistically and that the forfeiture doctrine should not be wielded to reward defendants who actively obstruct a plaintiff's access to justice. Further, this Court should grant the writ to reaffirm

that the liberal construction standard of *Erickson* applies with full force to *pro se* appellate briefs and that forfeiture should not be found where the unargued issue is inextricably linked to the arguments presented.

IV. The Court Should Clarify the Application of the Continuing Violations Doctrine to Post-Judgment Misconduct by State Actors.

This case presents a novel question regarding the intersection of post-judgment misconduct and procedural timeliness. Petitioner argues that her post-judgment false arrest and imprisonment by the defendants were not isolated events but part of a continuing pattern of constitutional violations that began with the acts alleged in her original complaint August 2019, stemming from August 27, 2018 false arrest and imprisonment of Petitioner Simmons and repeated on January 2024, October 2025. The Sixth Circuit failed to even consider this argument. This Court should grant certiorari to clarify whether the continuing violations doctrine can apply to toll deadlines for post-judgment motions when defendants engage in further unconstitutional acts that are part of the same pattern and physically prevent the plaintiff from seeking relief.

The continuing violations doctrine, most notably addressed by this Court in *National Railroad Passenger Corporation v. Morgan*, 536 U.S. 101 (2002), allows claims to proceed even if some of the component acts fall outside the statutory time period, so long as they are part of a single, ongoing unlawful practice. While *Morgan* arose in the Title VII context, its principles are routinely applied to § 1983 claims. The doctrine recognizes that some harms are cumulative and that the illegal act is the entire pattern of conduct.

Here, the respondents/defendants' post-judgment actions—falsely arresting Petitioner Simmons again and denying her access to the courts—are plausibly part of the same alleged conspiracy to deprive her of her rights that she challenged in her complaint. These were not random intervening events; they were acts committed by the same entities she had sued, which had the convenient effect of preventing her from challenging the judgment in their

favor. The subsequent dismissal of all criminal charges against Petitioner Simmons on November 24, 2025, further supports the conclusion that the August 2019 arrest and detention was without basis and part of the continuing violation. This favorable termination, which occurred after the Sixth Circuit's ruling, confirms that any *Heck v. Humphrey* bar has been lifted and underscores the injustice of the procedural dismissal.

By treating Petitioner's Ms. Simmons post-judgment incarceration as a mere logistical hurdle, the lower courts ignored its connection to the substance of her lawsuit. They failed to see that the respondents/defendants' pattern of conduct did not stop when the district court entered judgment. Allowing the timeline for a Rule 60(b) motion to run unabated while the defendants are actively continuing their unconstitutional conduct against the plaintiff creates an unjust outcome. The doctrine of continuing violations should be flexible enough to account for such a scenario, tolling the "reasonable time" requirement until the violation ceases and the plaintiff has a fair opportunity to return to court.

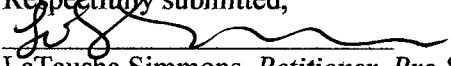
This Court has not addressed the application of this doctrine in the post-judgment context, particularly where the respondents/defendant's own acts cause the plaintiff's delay. This case provides the ideal vehicle to do so and to establish that respondents/defendants cannot immunize themselves from liability by committing further constitutional torts to run out the clock on a judgment.

VII. CONCLUSION AND PRAYER FOR RELIEF

The petition for a writ of certiorari should be granted to review the Sixth Circuit's judgments and orders, summarily reverse the decision(s) below, hold this case as it has in *National Railroad Passenger Corporation v. Morgan*, concerning the continuing violation doctrine, or grant such other relief as justice requires.

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Respectfully submitted,


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