

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

**CHRISTOPHER BUCHANAN,
Applicant,**

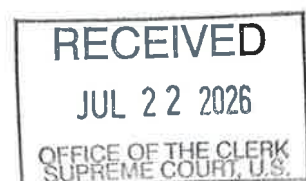
v.

**COMMONWEALTH EDISON COMPANY,
Respondent.**

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

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

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To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Rules 13.5, 22, 30.2, and 30.3 of this Court, Applicant Christopher Buchanan respectfully requests a sixty-day extension of time, to and including September 25, 2026, within which to file a Petition for a Writ of Certiorari. The United States District Court for the Northern District of Illinois entered summary judgment in favor of Respondent Commonwealth Edison Company on March 31, 2025. Applicant timely appealed. On April 28, 2026, the United States Court of Appeals for the Seventh Circuit affirmed the judgment of the district court in *Buchanan v. Commonwealth Edison Co.*, No. 25-1698. A copy of the opinion and judgment of the United States Court of Appeals for the Seventh Circuit is attached as Appendix A. Applicant did not file a petition for rehearing or rehearing en banc.

This Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1). Pursuant to Supreme Court Rule 13.1, Applicant's Petition for a Writ of Certiorari is presently due on July 27, 2026. This Application is filed more than ten days before that deadline. No prior application for an extension of time has been made in this matter. This case presents substantial questions concerning the proper application of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, and this Court's summary judgment jurisprudence. Applicant intends to seek review of whether the courts below improperly resolved disputed issues of material fact, failed to consider the evidence, improperly evaluated comparator evidence, and incorrectly applied the standards governing pretext and circumstantial evidence in employment discrimination cases.

Good cause exists for granting the requested extension. This litigation has been pending for approximately three years and has generated an extensive factual and procedural record. The record includes deposition testimony, declarations, personnel records, internal employment

policies, comparator evidence, summary judgment briefing, appellate briefing, and numerous exhibits. Preparing a petition that accurately presents the relevant facts and legal issues requires careful review of these materials to ensure that the petition accurately cites the record, properly frames the questions presented, and complies fully with the Rules of this Court.

The petition will require substantial research concerning this Court's decisions governing summary judgment, Title VII, Section 1981, comparator evidence, pretext, and the proper evaluation of circumstantial evidence. Applicant must also carefully review decisions of the Seventh Circuit and other federal courts to identify the legal principles and authorities relevant to the questions presented. Additional time is necessary to complete that research and prepare a petition that clearly and accurately presents the important federal questions involved. Applicant is proceeding pro se and does not have counsel experienced in Supreme Court practice assisting in the preparation of the petition. Accordingly, Applicant must independently review the record, research applicable authority, prepare the petition, compile the appendix, and ensure compliance with this Court's jurisdictional, procedural, formatting, and filing requirements.

Applicant has diligently pursued this matter throughout the district court and appellate proceedings and has devoted substantial effort toward preparing a Petition for a Writ of Certiorari. Applicant has also sought assistance from attorneys experienced in appellate and Supreme Court litigation. Additional time will permit Applicant to continue those efforts while ensuring that any petition ultimately filed accurately presents both the factual record and the legal questions for this Court's consideration. This request is made in good faith and not for purposes of delay. Rather, Applicant seeks additional time to ensure that the Petition for a Writ

of Certiorari accurately presents the extensive factual record, clearly identifies the important federal questions presented, and fully complies with the Rules of this Court.

The requested extension concerns only the deadline for filing the Petition for a Writ of Certiorari. It will not alter the judgment below, require Respondent to take any action, or otherwise prejudice Respondent.

WHEREFORE, Applicant respectfully requests that the time within which to file a Petition for a Writ of Certiorari be extended for sixty (60) days, to and including September 25, 2026.

Respectfully submitted,



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Dated: July 17, 2026

Appendix A

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Submitted April 28, 2026*

Decided April 28, 2026

BeforeTHOMAS L. KIRSCH II, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 25-1698

CHRISTOPHER BUCHANAN,
*Plaintiff-Appellant,*Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.*v.*

No. 23 C 5247

COMMONWEALTH EDISON,
*Defendant-Appellee.*Matthew F. Kennelly,
*Judge.***ORDER**

Christopher Buchanan appeals the summary judgment rejecting his claims that his employer, Commonwealth Edison (ComEd), denied him a promotion because of his color and race, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and 42 U.S.C. § 1981. The district court concluded that Buchanan did not provide sufficient evidence of discrimination. We affirm.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

We construe the evidence presented at summary judgment in the light most favorable to Buchanan, the non-moving party, and draw reasonable inferences in his favor. *Paterakos v. City of Chicago*, 147 F.4th 787, 795 (7th Cir. 2025). Buchanan, who is African American, maintains that in early 2022 he was denied a promotion based on his race. Since 2016, he had been employed in ComEd's Smart Meter Operations (SMO) division as a work planner, and in April 2021 he assumed a business analyst position. A few months later, Buchanan applied for a promotion to senior supervisor. Although Buchanan was the hiring manager's first choice, he was deemed ineligible for the supervisory position by the division's head, Jim Conway, because he had not satisfied ComEd's one-year tenure policy. That policy required non-union employees, like Buchanan, to serve in their current position for one year before seeking a promotion. Conway refused to waive the requirement for Buchanan. Later, the hiring manager's second choice withdrew his application, and his third-choice candidate declined the position. With no eligible candidates left to consider, the hiring manager removed the job posting.

Buchanan sued ComEd for employment discrimination, arguing that Conway's decision to enforce the one-year policy against him was pretext for racial discrimination. As evidence, Buchanan pointed to two white employees, Brain Tepper and Bradley Preston, who previously had been work planners and later were promoted despite having held their positions for less than a year. Buchanan also derides the one-year policy as pretense, since he was allowed to interview for the supervisory position without having the requisite year's tenure.

ComEd moved for summary judgment, and the district court granted the motion. Applying both the holistic approach of *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760 (7th Cir. 2016), and the burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the court concluded that no reasonable jury could find that ComEd discriminated against Buchanan. First, the court determined that Tepper and Preston were not appropriate comparators. Tepper, the court explained, was promoted to meet an urgent need; as a licensed electrician, he brought distinct technical expertise to the role that Buchanan did not have. Preston's circumstances were even less similar because he had spent eight years as a supervisor before his promotion. The court also concluded that Buchanan's interpretation of the one-year policy did not support an inference of discrimination because he failed to present evidence that ComEd agreed with his interpretation or had interviewed other applicants for a promotion who lacked a year's tenure.

On appeal, Buchanan first challenges the district court's conclusion that Tepper and Preston were not similarly situated to him. Invoking *Ortiz*, he insists that both employees are appropriate comparators because they were promoted despite not satisfying the one-year requirement.

Whether employees are similarly situated is a "flexible, common-sense, and factual" inquiry. *David v. Bd. of Trs. of Cmty. Coll. Dist. No. 508*, 846 F.3d 216, 226 (7th Cir. 2017) (quoting *Coleman v. Donahoe*, 667 F.3d 835, 841 (7th Cir. 2012)). Relevant factors include "whether the employees (i) held the same job description, (ii) were subject to the same standards, (iii) were subordinate to the same supervisor, and (iv) had comparable experience, education, and other qualifications—provided the employer considered these latter factors in making the personnel decision." *Id.* (citation omitted).

The district court correctly concluded that the record did not permit an inference that the men were similarly situated. Tepper, the court noted, had prior experience both as a supervisor and an electrician—unique credentials that led Conway to waive the one-year requirement when a recent retirement had left SMO shorthanded and in need of a senior supervisor. Although Buchanan invoked his master's degree as evidence of his expertise, he does not explain how it bears upon the role he sought. As for Preston, the court pointed to his eight years' supervisory experience in SMO—a relevant background that prompted Conway to set aside the one-year requirement once Preston had become available upon his unexpected release from another ComEd division.

Buchanan next argues that the district court failed to credit his interpretation of the one-year policy as evidence of pretext. He insists that ComEd effectively waived the policy by allowing him to advance to an interview without having served in his current position a year. But pretext is a "dishonest explanation," a "lie rather than an oddity or an error." *Vassileva v. City of Chicago*, 118 F.4th 869, 874 (7th Cir. 2024) (citations omitted). And Buchanan does not point to anything in the record to suggest that Conway did not honestly believe his interpretation of the policy.

Finally, Buchanan argues that the district court impermissibly reviewed each piece of evidence in isolation (e.g., his ranking as the first-choice candidate, the selective enforcement of policy, and his proffered comparators) rather than in the aggregate, as required by *Ortiz v. Werner Enter., Inc.*, 834 F.3d 760, 765–66 (7th Cir. 2016). He maintains that his evidence, viewed holistically, creates a "convincing mosaic" of discrimination. But in *Ortiz*, we "reiterate[d] that 'convincing mosaic' is not a legal test" and therefore not the appropriate standard to evaluate evidence of employment discrimination. *Id.* at 765. Rather, courts must determine whether the evidence, viewed "as a whole" would allow "a reasonable factfinder to conclude that the plaintiff's race ...

caused the discharge or other adverse employment action.” *Id.*; see *Wince v. CBRE, Inc.*, 66 F.4th 1033, 1040 (7th Cir. 2023). The district court here considered all Buchanan’s cited evidence and reasonably found that none of it raised any issue of fact that he was not promoted because of his race.

We have considered Buchanan’s remaining arguments, and they do not have merit.

AFFIRMED

CERTIFICATE OF SERVICE

I, Christopher Buchanan, certify that on July 17, 2026, I served a true and correct copy of the foregoing Application for an Extension of Time to File a Petition for a Writ of Certiorari, together with Appendix A, by depositing the same in the United States Mail, first-class postage prepaid, and by electronic mail, addressed as follows:

To the Clerk of Court
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