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**In the
Supreme Court of the United States**

KENOSHA COUNTY, KENOSHA COUNTY SHERIFF'S DEPARTMENT, DAVID G. BETH,
ROBERT HALLISY, LARY APKER, MARC LEVIN, JUSTIN MILLER, AND BILL BETH,
Applicants,

v.

ALEKSY RUDERMAN, ARTURO SALDIVAR, AND CHRIS POCKNELL,
Respondent.

**APPLICATION DIRECTED TO THE HONORABLE AMY CONEY BARRETT
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT**

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August 20, 2026

**TO THE HONORABLE AMY CONEY BARRETT, JUSTICE OF THE SUPREME COURT OF
THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT:**

Pursuant to Supreme Court Rule 13.5, Applicants Kenosha County, Kenosha County Sheriff's Department, David G. Beth, Robert Hallisy, Larry Apker, Marc Levin, Justin Miller, and Bill Beth respectfully request a 60-day extension of time, to and including November 9, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit. Without an extension, the filing deadline will expire on September 8, 2026. Jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

1. This case raises important questions concerning the federal forced labor statute, 18 U.S.C. § 1589, of the Trafficking Victims Protection Act of 2000 (TVPA) and its application to county jails holding civilly detained immigrants. The TVPA criminalizes forced labor at § 1589 and creates a civil damages remedy under § 1595. The salient parts of § 1589(a) state: "Whoever knowingly provides or obtains the labor or services of a person" by means of (1) force, threats of force, physical restraint, or threats of physical restraint to that person or another person; (2) serious harm or threats of serious harm to that person or another person; (3) abuse or threatened abuse of law or legal process; or (4) any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint. "Whoever" is undefined in § 1589, but the Dictionary Act says "[i]n determining the meaning of any Act of Congress, unless the context indicates otherwise -- ...the words 'person'

and ‘whoever’ includes corporations, companies, associations, firms, partnerships, societies, and companies, as well as individuals.” 1 U.S.C. § 1.

2. U.S. Immigration and Customs Enforcement (“ICE”) detains aliens during removal proceedings in various facilities around the country, including county jails. Since 2000, Kenosha County, Wisconsin has contracted with the U.S. Marshals Service to house immigration detainees on behalf of ICE at the Kenosha County Jail.

3. Respondents were civil immigration detainees at Kenosha County Jail. They filed this putative class action alleging they were forced to do unpaid custodial work, such as sweeping floors and cleaning phones, tables, or showers, for which refusal meant discipline like loss of commissary or phone privileges or solitary confinement up to ten days, in violation of § 1589’s forced labor provisions.

4. The Eastern District of Wisconsin dismissed Respondents’ lawsuit. *Ruderman v. Kenosha County*, 752 F. Supp.3d 1084 (E.D. Wis. 2024). The District Court, the Honorable Judge Brett H. Ludwig presiding, concluded that “a county jail and its employees are not using ‘forced labor’ or engaging in ‘human trafficking’ within the meaning of Section 1589 and the TVPA by requiring inmates, including civil immigration detainees, to perform basic cleaning functions in common areas” and that “Defendants’ policies and actions in requiring Plaintiffs to help clean common areas do not constitute ‘obtain[ing] the labor or services of a person’ by improper means as proscribed by Section 1589.” *Id.* at 1089–1090. The District Court considered the statutory text and context, the purposes of the TVPA, and longstanding authority allowing jails to require such tasks. *Id.* at 1090–1094.

5. Respondents appealed and on June 5, 2026, the United States Court of Appeals for the Seventh Circuit vacated and remanded, entering judgment on June 8, 2026. A copy of the opinion is attached as Exhibit A, and a copy of its judgment is attached as Exhibit B. The case was before the Honorable Judge Frank Easterbrook, Diane S. Sykes, and Chief Judge Michael B. Brennan. The court found the term “whoever” in § 1589 encompasses counties and that a county jail may violate § 1589 by threatening civil immigration detainees with disciplinary consequences, including segregation, to compel them to perform housekeeping work. Ex. A at 4–5. The court recognized the need for “modesty in dealing with § 1589” and acknowledged a broad application of the statute could produce “jarring and implausible” results, but it concluded that Respondents’ allegations were sufficient. Ex. A at 3, 6–7.

6. There is good cause to grant this Application:

First, the decision below raises important and complex questions concerning § 1589’s forced labor provisions in the context of lawful detention in county jails across the country. Applicants intend to seek this Court’s review of whether the forced labor provisions of the TVPA are violated, specifically 18 U.S.C. § 1589’s first clause “whoever” and (a)(1), (a)(2), and (a)(4), when county jails have their detainee population (civilly detained immigrants, pretrial detainees and others) clean their cells and common areas as part of a jail’s routine and under threat of discipline. The Supreme Court has not addressed a federal involuntary servitude statute since *United States v. Kozminski*, 487 U.S. 931, 948 (1988). Congress responded to *Kozminski* by designing the TVPA’s forced labor provisions in 2000. Since its

inception, the federal circuits have used various approaches to statutory interpretation of § 1589. Moreover, the virtually boundless interpretation given to § 1589 raises serious questions whether it is unconstitutionally vague as applied here, which the Seventh Circuit left for consideration on remand. Ex. A at 7. Resolution of § 1589's scope requires careful consideration of the statutory text and context, the TVPA's purposes and history, the traditional authority of county jails to require detainees to perform housekeeping tasks, and the consequences of applying a federal statute carrying civil and criminal penalties to such practices. The decision also has consequences beyond this case: local jails throughout the country house civil immigration detainees pursuant to agreements with the federal government and require detainees to participate in routine housekeeping necessary to maintain safe and sanitary communal living environments and order in the facility.

Second, undersigned counsel is heavily engaged with other matters, including by example: an opening brief due in the Seventh Circuit on September 4, 2026 in a police deadly force case, *Campbell v. Woods*, Case No. 26-2231 and having just completed briefing in a significant federal case involving use of force, arrest and other claims, *Crain v. Rock County*, Western District of Wisconsin Case No. 25CV451; opening summary judgment briefs in two search and seizure cases due on September 8, 2026 and October 9, 2026 in *Schuld v. Jefferson County*, Western District of Wisconsin Case No. 25CV108 and *Ramanou v. City of Oshkosh*, Eastern District Wisconsin Case No. 25CV1553; a Petition for Review in the Wisconsin Supreme Court, filed on August 13, 2026, involving Wisconsin's statute pertaining to local

regulation of residential short term rentals in *Clinton v. Village of Sister Bay*, 25AP1825; briefing dispositive motions on constitutional claims challenging wake boat regulations in two federal court cases of *Elkhart Watersports Alliance, Inc. v. Village of Elkhart*, Eastern District of Wisconsin Case No. 26CV682 (reply brief completed July 27, 2026) and *Manitowish Waters Sports Alliance v. Town of Boulder Junction*, Western District of Wisconsin Case No. 26CV616 (briefing ongoing); and an opening merits brief due August 24, 2026 involving a variance/zoning denial in *Wick v. Village of Fox Point*, Milwaukee County Circuit Court Case No. 26CV1321. An extension of time would allow counsel sufficient time to fully research and analyze the statutes and case law and to adequately prepare a petition that addresses the important questions raised by this case for the Court's consideration.

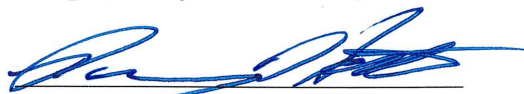
Third, the additional time will permit potential *amici curiae* that may be affected by the decision below to evaluate this case and consider how they might best assist the Court's review.

Finally, the undersigned consulted with the Respondents' counsel who does not object to this request for an extension.

Accordingly, Applicants respectfully request a 60-day extension of time, to and including November 9, 2026, within which to file a petition for a writ of certiorari.

August 20, 2026

Respectfully submitted,



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Counsel for Applicants

Exhibit A

In the
United States Court of Appeals
For the Seventh Circuit

No. 24-2939

ALEKSEY RUDERMAN, ARTURO SALDIVAR, and CHRIS POCKNELL,
Plaintiffs-Appellants,

v.

KENOSHA COUNTY, WISCONSIN, *et al.*,
Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Wisconsin.
No. 23-cv-1336-bhl — **Brett H. Ludwig**, *Judge.*

ARGUED SEPTEMBER 25, 2025 — DECIDED JUNE 5, 2026

Before BRENNAN, *Chief Judge*, and EASTERBROOK and SYKES,
Circuit Judges.

EASTERBROOK, *Circuit Judge.* Since 2000 the Kenosha County Jail has contracted with federal agencies to house aliens who are detained pending hearings or removal. According to the complaint, whose allegations we must accept at this stage, the Jail requires these civil detainees to perform unpaid custodial work, such as sweeping floors and cleaning phones, tables, or showers. Aliens who refuse may be disciplined by

loss of commissary privileges, loss of phone privileges, or solitary confinement for as long as ten days.

Three aliens filed this suit under 18 U.S.C. §1589, a criminal statute that has a civil damages remedy (18 U.S.C. §1595). The salient parts of §1589 provide:

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

- (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- (2) by means of serious harm or threats of serious harm to that person or another person;
- (3) by means of the abuse or threatened abuse of law or legal process; or
- (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint ...

(c) In this section:

- (1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

The district court dismissed the suit on the pleadings, ruling that §1589 applies only to human trafficking, a term that

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cannot plausibly be applied to discipline during lawful custody. 752 F. Supp. 3d 1084 (E.D. Wis. 2024).

The district court based its conclusion not on the language of §1589, or its title (“Forced labor”), but on the title and imputed purpose of a larger enactment of which §1589 is a part: The Trafficking Victims Protection Act of 2000. Large-scale legislation such as the 2000 statute often contains provisions that do not fit neatly under an umbrella title; a bill that seems fated to pass may attract amendments on multiple topics, and the sponsors of these amendments may have aims that differ from those of the floor managers. To figure out what §1589 means, we must look at what it says rather than what else was enacted at the same time. Other parts of the 2000 statute deal directly with human trafficking—both forced labor under threats and sex trafficking. Sections 1590 to 1592 are among these provisions. We must deal with §1589 on its own terms.

At least two courts of appeals have concluded that §1589 applies to labor required of civil immigration detainees: *Gonzalez v. CoreCivic, Inc.*, 986 F.3d 536 (5th Cir. 2021), and *Barrientos v. CoreCivic, Inc.*, 951 F.3d 1269 (11th Cir. 2020). Another has held that §1589 is not limited to human trafficking. *Burrell v. Staff*, 60 F.4th 25, 39 (3d Cir. 2023). Adopting the district court’s approach would put us in conflict with those three circuits.

We appreciate the need for modesty in dealing with §1589, because read for all it could be worth the statute would forbid prisons from requiring even convicted felons to work, a break from traditional practice (and from the language of the Thirteenth Amendment) that would have occasioned comment during the legislative process. Yet no one in Congress suggested that §1589 would make it a crime for a prison’s warden to require felons to labor as part of their punishment. That’s

why we held in *Taylor v. Salvation Army*, 110 F.4th 1017, 1032 (7th Cir. 2024), that, despite §1589, convicts may be required to work—not only in prison but also as part of work-release programs. Plaintiffs do not ask us to reconsider *Taylor*, but they stress that none of them has been convicted of a crime. Aliens held pending hearings or removal are civil detainees. (Some of the detainees have been charged with crimes, but as far as the complaint goes none is serving time on a criminal conviction.)

Gonzalez and *Barrientos* hold that §1589 *applies* to civil detention of aliens, but not that it was violated in either case. Both suits were remanded and were either settled (*Barrientos*) or dismissed without prejudice (*Gonzalez*). Kenosha County does not want us to address the merits in this suit either. It contends that §1589 does not apply to public jails. The detention facilities in *Gonzalez* and *Barrientos* were private. Kenosha tells us that public facilities, by contrast, are not within the scope of the statute’s first word: “Whoever”.

This is hard to accept. Counties lack the sovereign immunity accorded to their parent states. For the purpose of federal jurisdiction under 28 U.S.C. §1332, a county is treated as a “citizen” of its state, just like any natural person. See *Moor v. Alameda County*, 411 U.S. 693, 718–21 (1973). For the purpose of 42 U.S.C. §1983, one of the principal civil-rights statutes, a county (unlike a state) is a “person” subject to suit for damages. Compare *Monell v. New York City Department of Social Services*, 436 U.S. 658, 690 (1978) (municipalities are “persons”), with *Will v. Michigan Department of State Police*, 491 U.S. 58 (1989) (states are not “persons”). A comprehensive word such as “whoever” includes all juridical “persons”. True, states may be able to invoke sovereign immunity (unless we understand §1589 to be based on §2 of the Thirteenth Amendment or §5 of the Fourteenth Amendment, see

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Fitzpatrick v. Bitzer, 427 U.S. 445 (1976)), but counties and other municipalities lack that protection. In Wisconsin counties are “bod[ies] corporate, authorized to sue and be sued.” Wis. Stat. §59.01.

The Dictionary Act, 1 U.S.C. §1, tells us that “the words ‘person’ and ‘whoever’ include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals”. Kenosha County takes comfort in the fact that this definition does not mention municipalities. But it uses the word “include” and does not rule out any kind of entity. By grouping “person” and “whoever” under a single definition, the Dictionary Act invites the conclusion that an entity classified as a “person” comes within “whoever” as well. We know from *Monell* that counties in Wisconsin are “persons” under §1983 and from *Moor* that they are treated like natural persons for the purpose of §1332. We hold that the word “whoever” in §1589 includes “bod[ies] corporate” such as counties in Wisconsin. (Whether “whoever” includes the national government is a distinct question, given the approach of decisions such as *Department of Agriculture v. Kirtz*, 601 U.S. 42 (2024). We do not address it today.)

Putting the prohibitions in §1589(a) together with the definitions in §1589(c) leads to the conclusion that a county jail violates §1589 by threatening civil detainees with solitary confinement to coerce them to work. Section 1589(a)(1) says that threats of “physical restraint” are forbidden—and solitary confinement is one form of physical restraint. Similarly §1589(a)(3) says that “abuse of the law or legal process” is a forbidden means to compel work. The definition of that phrase in §1589(c)(1) shows that, when law or legal process *authorize* work—as statutes or regulations may do for convicted prisoners—there is no “abuse” in requiring work. But in supplemental briefs filed after oral argument, Kenosha

County did not contend that any statute or regulation authorizes its work requirement for civil detainees. The contracts under which federal agencies have sent detainees to the County Jail say, to the contrary, that the Jail is authorized to offer paid work to detainees, not that it is authorized to compel unpaid work from detainees.

Once again, we recognize that this statute must be applied with care lest it condemn many common practices. Take §1589(a)(2), which prohibits threats of “serious harm” to induce labor. Section 1589(c)(2) defines this phrase to mean “any harm, ... including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.” Suppose an opera company that has signed a famous tenor to sing the role of Radames in *Aida* reminds him that, if he doesn’t show up, he not only won’t be paid but also won’t be hired in the future. That threat of financial harm may induce the tenor to sing—indeed, that’s the point. Yet treating the statement “you won’t be paid if you don’t work” as a federal crime would wreck the law of contract at a stroke.

Many other situations come to mind in which broad application of the language in §1589 would be jarring and implausible. We need not rehearse them. In *Taylor* we found work-as-punishment-for-crime outside the scope of §1589. That may be true of our opera singer too—without jeopardizing the understanding that the statute covers an *au pair* who arrives with an agreement to do housework for pay and then is held as an indentured servant without compensation or a passport.

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Whatever may be said about convicted felons and market transactions, nothing in either the text or context of §1589 permits a local jail to compel civil detainees—persons not subject to punishment—to work on pain of solitary confinement or loss of phone contact with the outside world. The complaint alleges threats that cannot be dismissed as too slight to activate the statute. Whether the allegations of the complaint can be proved, and if so what damages are appropriate, are among the questions open on remand. The district judge also should consider the County’s argument that the statute is unconstitutionally vague, a subject on which an appellate court should not be first to speak.

VACATED AND REMANDED

Exhibit B

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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FINAL JUDGMENT

June 8, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*
FRANK H. EASTERBROOK, *Circuit Judge*
DIANE S. SYKES, *Circuit Judge*

No. 24-2939	ALEKSEY RUDERMAN, ARTURO SALDIVAR, and CHRIS POCKNELL, Plaintiffs - Appellants v. KENOSHA COUNTY, et al., Defendants - Appellees
Originating Case Information: District Court No: 2:23-cv-01336-BHL Eastern District of Wisconsin District Judge Brett H. Ludwig	

The judgment of the District Court is VACATED and the case is REMANDED, in accordance with the decision of this court entered on June 5, 2026. Each party bears its own costs.

A handwritten signature in black ink, appearing to read "Christopher Conway".

Clerk of Court