

App No. _____

In The
Supreme Court of the United States

MICHAEL KAPLON,

Applicant,

-v.-

MORRIS TOWNSHIP POLICE DEPARTMENT, MADISON POLICE
DEPARTMENT, BOROUGH OF MADISON, TOWNSHIP OF
MORRIS, CHIEF MARK DICARLO, CHIEF DARREN P.
DACHISEN SR, POLICE OFFICER OSCAR PANCIANO, POLICE
OFFICER YEBOAH, POLICE OFFICER BOENINGHAUS, POLICE
OFFICER HOUGH, AND POLICE OFFICER DECARO,

Respondents.

**On Application for an Extension of Time to File Petition for a Writ of
Certiorari to the United States Court of Appeals for the Third Circuit**

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Dated: June 22, 2026

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

To the Honorable Samuel A. Alito, Jr., as Circuit Justice for the United States Court of Appeals for the Third Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Michael Kaplon (hereinafter "Kaplon" or "Applicant") respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended for 60 days up to and including September 8th, 2026. The Court of Appeals issued its opinion on March 11, 2026. (Appendix ("App.") A) and denied rehearing *en banc* on Thursday, April 9th, 2026 (App. B). Absent an extension of time, the Petition for Writ of Certiorari would be due on July 9th, 2026. Applicant is filing this Application more than ten days before that date. See S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1).

BACKGROUND

This case arises from an early-morning encounter between Kaplon and officers of the Morris Township and Madison Police Departments on February 11, 2020. At approximately 5:10 a.m., police were investigating an abandoned vehicle that had been involved in a single-car collision with a utility pole on Punch Bowl Road in Morris Township. The vehicle was registered to Applicant's mother, whose residence was located near the scene of the accident.

While responding to the investigation, Madison Police Officer Carmine DeCaro observed Applicant standing near a street sign at the entrance to the townhome community where Applicant resided. Applicant was using his cellular telephone. Officer DeCaro exited his marked patrol vehicle without activating emergency lights or a siren and, according to Applicant, did not identify himself as a police officer or issue a clear command to stop. Instead, Officer DeCaro called out "yo" several times as Applicant walked toward his residence while continuing to use his telephone.

Officer DeCaro then pursued Applicant on foot and tackled him to the ground. Morris Township Officer Kojo Yeboah and Sergeant Clay Boeninghaus thereafter arrived and participated in restraining Applicant. Applicant alleges that the officers failed to identify themselves before using force and that, after he had been taken to the ground, he was struck and subjected to unnecessary force while attempting to understand what was occurring. Applicant further alleges that Sergeant Boeninghaus delivered repeated closed-fist strikes to Applicant's back while Applicant was prone on the ground and that the encounter caused lasting physical injuries.

On December 30, 2020, Applicant commenced this civil-rights action in the United States District Court for the District of New Jersey against the involved officers, their respective police departments, the relevant municipalities, and supervisory officials. Applicant asserted claims under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act, including claims arising from the alleged unlawful seizure and excessive use of force, as well as related state-law claims.

Following discovery, the defendants moved for summary judgment, and Applicant filed a cross-motion for summary judgment. On March 24, 2025, the District Court granted defendants' motions, denied Applicant's cross-motion, and entered judgment for defendants. The District Court concluded that Officer DeCaro had reasonable suspicion to stop Applicant, that the force used during the encounter was objectively reasonable, and that the individual officers were alternatively entitled to qualified immunity.

Applicant timely appealed to the United States Court of Appeals for the Third Circuit. On March 11, 2026, the Court of Appeals issued a nonprecedential opinion affirming the District Court's grant of summary judgment. The Court concluded that Officer DeCaro had reasonable suspicion to seize Applicant based upon the predawn investigation of an abandoned and crashed vehicle, Applicant's presence behind a street sign near the registered owner's residence, and

Applicant's subsequent movement away from and flight from Officer DeCaro. The Court further held that no reasonable factfinder could conclude that Officers Yeboah and Boeninghaus used excessive force, relying on the officers' account that Applicant resisted, struck and kicked at officers, kept his hands beneath his body, and failed to comply with repeated commands before Sergeant Boeninghaus delivered three closed-fist strikes to Applicant's back. In reaching that conclusion, the Court reasoned that, even where portions of the video evidence were unclear, the officers' testimony could be treated as undisputed because Applicant had not identified record evidence sufficient to contradict it. The Court therefore affirmed dismissal of Applicant's claims under 42 U.S.C. § 1983 and the New Jersey Civil Rights Act, as well as his related municipal-liability and state-law tort claims.

Applicant timely sought rehearing *en banc*, which the Court of Appeals denied on April 9th, 2026. Applicant now intends to seek review in this Court of the judgment below, including the lower courts' resolution of disputed evidence and video evidence at the summary-judgment stage in connection with Applicant's Fourth Amendment claims.

Reasons For Granting an Extension of Time

Good cause exists to grant Applicant a sixty-day extension of time, to and including September 8, 2026, within which to file a petition for a writ of certiorari.

Applicant only recently authorized proposed counsel, Adamo Ferreira, Esq., to pursue review in this Court and retained him for that purpose on Thursday, June 18, 2026. Because Mr. Ferreira's application for admission to the Bar of this Court remains pending, this application is submitted by George Christopoulos, Esq., a member of the Bar of this Court, as counsel of record for Applicant.

The requested extension is necessary to permit counsel to complete a careful review of the substantial record and to determine whether this case presents an appropriate question for this Court's review. The matter was resolved on summary judgment following extensive discovery, competing summary-judgment motions, deposition testimony, and multiple body-worn-camera and vehicle-camera recordings. The Court of Appeals' decision addressed the relationship between video evidence, disputed officer testimony, and the obligation to view the evidence in the light most favorable to the nonmovant. Additional time is necessary to review the record and governing authorities carefully and to formulate any question presented in a concise manner consistent with this Court's certiorari standards.

Proposed counsel is a solo practitioner and has substantial, preexisting, and time-sensitive litigation obligations during the current filing period. Those obligations include a mediation in *Kim & Lee v. Hashemi-Nasab* and an in-person Order to Show Cause return date in Bergen County Superior Court on June 25, 2026; a full-day deposition in the *Finamore* matter on June 30, 2026; an Early Settlement Panel in *Heidi Castro v. Alfredo Castro* and a separate in-person criminal-court appearance in Suffolk County, New York, on July 1, 2026; and additional court appearances on July 2, July 7, July 8, and July 9, 2026. In between these obligations, is the 4th of July holiday weekend. These preexisting obligations require preparation, appearances, and, in certain instances, travel, and materially limit counsel's ability to complete the record review, legal research, and drafting required for a petition for a writ of certiorari within the current deadline.

Proposed counsel is also completing the process necessary for admission to the Bar of this Court so that counsel may appear on Applicant's behalf in this matter. Proposed counsel has submitted his application for admission, together with the required supporting materials, sponsors, and fee on Thursday, June 18th, 2026. The requested extension will permit counsel to complete

that process while preparing a petition that complies with this Court's filing and substantive requirements.

This application is made in good faith, is not sought for purposes of delay, and will not prejudice Respondents. Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by sixty days, to and including September 8th, 2026.

CONCLUSION

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 60 days to and including September 8th, 2026.

Dated: June 22, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 22nd, 2026, a copy of this application was served by email and U.S. mail to the Counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3.

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Respectfully submitted,

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