

IN THE SUPREME COURT OF THE UNITED STATES

TARA WINDING, Individually and as Personal Representative of the Estate of Matthew Harper, Deceased,

Applicant,

v.

CITY OF MEMPHIS, TN POLICE DEPARTMENT,

Respondent,

and

LIEUTENANT BRIAN BEASLEY, individually and in his official capacity, et al.,

Respondents.

Sixth Circuit Case No.: 25-5834

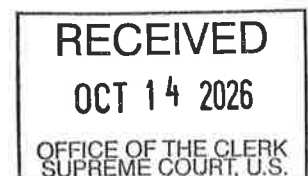
**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT
OF CERTIORARI**

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit:

Applicant, Tara Winding, proceeding pro se solely in her individual capacity, respectfully requests, pursuant to Supreme Court Rules 13.5 and 30.2, an extension of 60 days, through and including December 18, 2026, to file a Petition for a Writ of Certiorari.

In support of this application, Applicant states:

1. Procedural Background



The United States Court of Appeals for the Sixth Circuit entered its decision affirming the dismissal of Applicant's federal civil action on May 11, 2026.

Applicant timely filed a Petition for Panel Rehearing, which the Sixth Circuit denied on July 21, 2026.

Under Supreme Court Rule 13.3, the current deadline for filing a Petition for a Writ of Certiorari is October 19, 2026.

This Court's jurisdiction would be invoked pursuant to 28 U.S.C. § 1254(1).

2. Good Cause for Extension

Applicant respectfully requests additional time due to ongoing medical difficulties involving her spine, which have recently resulted in significant physical discomfort and functional limitations.

These circumstances have substantially interfered with Applicant's ability to undertake the sustained legal research, review of court records, and document preparation necessary to prepare a Petition for a Writ of Certiorari.

Applicant is scheduled for a medical evaluation on October 15, 2026, concerning her ongoing lower-back condition.

As a self-represented litigant, Applicant must personally complete the necessary research and preparation. Her present medical circumstances have materially limited her ability to do so within the existing filing period.

Applicant therefore respectfully requests the additional time in good faith and not for purposes of unnecessary delay.

3. Notice of Current Mailing Address

Applicant advises the Court that her mailing address has changed since the proceedings before the United States Court of Appeals for the Sixth Circuit.

Applicant respectfully requests that all correspondence and notices concerning this application be directed to the current mailing address provided below.

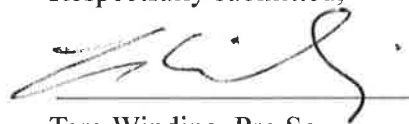
4. Requested Relief

Applicant respectfully requests a 60-day extension, through and including December 18, 2026, to prepare and file a Petition for a Writ of Certiorari.

Applicant submits that the requested extension would allow reasonable additional time to address her medical circumstances while preparing a complete and properly supported petition.

WHEREFORE, Applicant respectfully requests that the Court grant this Application for an Extension of Time to File a Petition for a Writ of Certiorari through December 18, 2026.

Respectfully submitted,



Tara Winding, Pro Se
Applicant in Individual Capacity
Estate not represented by counsel in this application.

Current Mailing Address:

Tara Winding
PMB 271
6515 Goodman Rd. Ste. 4
Olive Branch, MS 38654
Telephone: (901) 859-5324
Email: tarawinding2020@gmail.com
Date: October 9, 2026

CERTIFICATE OF SERVICE

I certify that on October 9, 2026, I served a true and correct copy of the Application for an Extension of Time to File a Petition for a Writ of Certiorari, together with its accompanying documents, upon counsel of record for the opposing parties by United States Postal Service first-class mail, postage prepaid, addressed to their respective addresses of record.

Electronic copies were also transmitted to counsel of record by email on October 9, 2026.

Counsel Served:

Kimberly Nicole Perry
CITY OF MEMPHIS TENNESSEE
125 North Main Street
Room 336
Memphis, TN 38103-2079
Email: kimberly.perry@memphistn.gov

Peako Andrea Jenkins
TENNESSEE ATTORNEY GENERAL'S OFFICE
P.O. Box 20207
Nashville, TN 37202
615-741-8059
Email: peako.jenkins@ag.tn.gov

Julia Marie Hale
SHELBY COUNTY
County Attorney
160 N Main St
Ste. 900
Memphis, TN 38103
901-222-2100
Email: Julia.Hale@shelbycountyttn.gov

Katherine L. Frazier
SHELBY COUNTY
County Attorney
160 North Main Street
Ste. 950
Memphis, TN 38103
901-222-2100
Email: katherine.frazier@shelbycountyttn.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2026.



Tara Winding, Pro Se
Applicant in Individual Capacity

APPENDIX

Appendix A: United States Court of Appeals for the Sixth Circuit, Order affirming the district court's judgment, entered May 11, 2026 (Docket No. 24).

Appendix B: United States Court of Appeals for the Sixth Circuit, Entry of Judgment, entered May 11, 2026 (Docket No. 25).

Appendix C: United States Court of Appeals for the Sixth Circuit, Order denying Petition for Panel Rehearing, entered July 21, 2026 (Docket No. 28).

NOT RECOMMENDED FOR PUBLICATION

No. 25-5834

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

May 11, 2026

KELLY L. STEPHENS, Clerk

TARA WINDING, Individually and as Personal)
Representative of Estate of Matthew Harper,)
Deceased,)

Plaintiff-Appellant,)

v.)

CITY OF MEMPHIS, TN POLICE)
DEPARTMENT,)

Defendant,)

and)

LIEUTENANT BRIAN BEASLEY, individually)
and official capacity, et al.,)

Defendants-Appellees.)

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF
TENNESSEE**ORDER**

Before: BUSH and LARSEN, Circuit Judges.

Tara Winding, proceeding individually and as personal representative of the estate of her deceased son, Matthew Harper, appeals a district court judgment dismissing her civil suit filed under 42 U.S.C. § 1983 and the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a)(2). For the following reasons, we affirm.

Winding initiated this suit in 2024. After she amended her complaint once as a matter of course and again with leave of court, her second amended complaint became the operative

No. 25-5834

- 2 -

pleading. The second amended complaint identified the defendants as the City of Memphis, Tennessee (City), Police Chief C.J. Davis, Lieutenant Brian Beasley, and Sergeant Jacoba Boyd (the City defendants); Shelby County District Attorney Steve Mulroy, Chief Assistant District Attorney Carrie Bush, Assistant District Attorneys William Crossnoe and Fredricka Brown, and Victim Witness Coordinator Reid Hettinger (the State defendants); and Shelby County, Tennessee (County). Although the initial and first amended complaints identified the Memphis Police Department (MPD) and the Shelby County District Attorney General's Office (SCAGO) as defendants, the second amended complaint did not. When granting Winding leave to file her second amended complaint, the magistrate judge noted that the MPD is not a legal entity that may be sued under § 1983, and that the State defendants, including the SCAGO, were not affiliated with the County. *See Matthews v. Jones*, 35 F.3d 1046, 1049 (6th Cir. 1994); *White ex rel. Swafford v. Gerbitz*, 860 F.2d 661, 663 n.2 (6th Cir. 1988).

Winding alleged that, after Harper was murdered on September 11, 2022, the defendants failed to properly investigate his death and prosecute his suspected murderer. For example, Winding alleged that Harper's family was not promptly notified of his death and that his apartment was searched and his computer was seized without a warrant; that the attempted use of Harper's ATM card and sale of his Nike stock after his death, suggesting identity theft, were not investigated; that officers failed to secure the crime scene, did not follow proper procedures to preserve evidence, and ignored or suppressed evidence, such as witness statements and gunshot residue tests; that evidence was withheld from Harper's family; and that Beasley made prejudicial and inaccurate statements characterizing Harper as a drug dealer. She alleged that her rights as a crime victim were violated because she was prevented from participating in the investigation when she was not permitted to hear 911 calls, access video evidence, and receive plea-deal notifications. She also alleged that the City and County failed to properly train their employees in proper investigation procedures and operated under policies or customs that caused a violation of her rights.

Winding asserted claims (1) against the City, Beasley, and Boyd under the Fourth Amendment for illegal search and seizure based on the entry into Harper's apartment after his

No. 25-5834

- 3 -

death; (2) against all defendants under the Fourteenth Amendment for due process violations based on the failure to properly investigate Harper's murder and prosecute his suspected murderer; (3) against the City and County under the Fourteenth Amendment for equal protection violations and municipal liability based on the failure to adequately train employees and the toleration of a pattern of misconduct and constitutional violations; (4) against all defendants under § 1983 for conspiracy to violate her and Harper's constitutional rights; and (5) against the City, Boyd, Bush, Crossnoe, Brown, Hettinger, and the County under the CVRA for violations of her rights as a crime victim. She sought damages.

The defendants moved to dismiss Winding's complaint for failure to state a claim for relief under Federal Rule of Civil Procedure 12(b)(6). On the recommendation of a magistrate judge and over Winding's objections, the district court granted the defendants' motions to dismiss.

On appeal, Winding argues that the district court erred by (1) ruling that the State defendants were entitled to Eleventh Amendment immunity in their official capacities and prosecutorial immunity in their individual capacities; (2) ruling that she did not allege any misconduct by the County and misconstruing her claims against the County as claims against the State; (3) construing her Fourteenth Amendment due-process claims as asserting a right to a proper investigation; (4) dismissing her municipal-liability claims; (5) ruling that the CVRA did not apply; (6) prematurely dismissing her case without permitting discovery; and (7) denying her a fair proceeding.

Initially, we note that Winding did not properly object to the magistrate judge's recommendation to grant the defendants' motions to dismiss. The district court concluded that Winding's objections lacked substance and were "too vague to warrant de novo review." A general objection to a magistrate judge's report "has the same effects as would a failure to object." *Howard v. Sec'y of Health & Hum. Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Winding's objections were at least arguably insufficient to preserve any issues for appeal. Although the failure to object may be excused "in the interests of justice," *Thomas v. Arn*, 474 U.S. 140, 155 (1985), Winding offers no reason to excuse her forfeiture. But even if appellate review had been properly preserved, Winding's arguments do not support a different outcome.

No. 25-5834

- 4 -

We review de novo the dismissal of a complaint under Rule 12(b)(6) for failure to state a claim. *Brown v. City of Albion*, 136 F.4th 331, 337 (6th Cir. 2025). To prevent dismissal under Rule 12(b)(6), a complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). “[C]onclusory allegations or legal conclusions masquerading as factual allegations will not suffice.” *Willman v. Att’y Gen. of U.S.*, 972 F.3d 819, 823 (6th Cir. 2020) (quoting *Terry v. Tyson Farms, Inc.*, 604 F.3d 272, 276 (6th Cir. 2010)).

I. STATE DEFENDANTS

Winding’s claims against the State defendants in their official capacities are barred by the Eleventh Amendment. “The Eleventh Amendment bars actions ‘against states unless they consent to be sued or Congress, pursuant to a valid exercise of its power, unequivocally expresses its intent to abrogate sovereign immunity.’” *Stanley v. W. Mich. Univ.*, 105 F.4th 856, 863 (6th Cir. 2024) (quoting *Ashford v. Univ. of Mich.*, 89 F.4th 960, 969 (6th Cir. 2024)). Eleventh Amendment immunity also applies to individual state officials who act in an official capacity. *Id.* Tennessee has not waived its immunity to civil suits in federal courts. *See* Tenn. Code Ann. § 20-13-102(a); *Morgan v. Bd. of Pro. Resp. of the Sup. Ct. of Tenn.*, 63 F.4th 510, 517 (6th Cir. 2023). And § 1983 “does not abrogate Eleventh Amendment immunity.” *Brent v. Wayne Cnty. Dep’t of Hum. Servs.*, 901 F.3d 656, 683 (6th Cir. 2018) (quoting *Boler v. Earley*, 865 F.3d 391, 410 (6th Cir. 2017)). Moreover, the *Ex parte Young* exception to Eleventh Amendment immunity does not apply here. 209 U.S. 123 (1908). The *Ex parte Young* exception “applies only when the plaintiff sues for ‘prospective [injunctive] relief to end a continuing violation of federal law.’” *Morgan*, 63 F.4th at 515 (alteration in original) (quoting *Diaz v. Mich. Dep’t of Corr.*, 703 F.3d 956, 964 (6th Cir. 2013)). Although Winding suggested in a surreply that she sought declaratory and injunctive relief, she did not clearly identify any continuous violations of federal law that she sought to prospectively enjoin, and her complaint sought only damages.

No. 25-5834

- 5 -

The State defendants are entitled to prosecutorial immunity from Winding's claims against them in their individual capacities. "A prosecutor is entitled to absolute immunity when [he] acts 'as an advocate for the State' and engages in activity that is 'intimately associated with the judicial phase of the criminal process.'" *Rieves v. Town of Smyrna*, 959 F.3d 678, 691 (6th Cir. 2020) (alteration in original) (quoting *Prince v. Hicks*, 198 F.3d 607, 611 (6th Cir. 1999)). This immunity extends to "administrative or investigative acts necessary for a prosecutor to initiate or maintain the criminal prosecution." *Id.* (quoting *Ireland v. Tunis*, 113 F.3d 1435, 1447 (6th Cir. 1997)). Because Winding's allegations against the State defendants concerned conduct related to a criminal prosecution, specifically the failure to permit her to review evidence and the decision to not prosecute Harper's suspected murderer after an evaluation of the evidence collected, those defendants are entitled to prosecutorial immunity. *See id.*

Winding argues that she challenged administrative and investigative conduct apart from the prosecutors' decision about whether to file charges, such as obstructing access to evidence, allowing the investigation to collapse, and failing to preserve evidence. But this alleged conduct is still "intimately associated with the judicial process" and thus entitled to prosecutorial immunity. *Price v. Montgomery County*, 72 F.4th 711, 720 (6th Cir. 2023) (noting that prosecutors maintain their immunity even for withholding or destroying evidence); *see also Buckley v. Fitzsimmons*, 509 U.S. 259, 273 (1993); *Koubriti v. Convertino*, 593 F.3d 459, 467-68 (6th Cir. 2010).

II. FOURTEENTH AMENDMENT DUE PROCESS

Winding's complaint failed to state a due-process claim. "The Fourteenth Amendment's Due Process Clause protects persons against deprivations of life, liberty, or property; and those who seek to invoke its procedural protection must establish that one of these interests is at stake." *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005). The Constitution does not create property interests. *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577 (1972). "Rather they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law" *Id.* In contrast, "[a] liberty interest may arise from the Constitution" or "from an expectation or interest created by state laws or policies." *Wilkinson*, 545 U.S. at 221.

No. 25-5834

- 6 -

Winding alleged that there were many flaws in Harper's murder investigation, including the failure to secure crime scenes, follow proper forensic procedures, and preserve evidence; the suppression of evidence, such as witness statements, gunshot residue tests, and autopsy reports; and the misrepresentation of facts learned during the investigation. But Winding had only a "unilateral expectation" of information and evidence collected during the murder investigation, not "a legitimate claim of entitlement" to it. *Roth*, 408 U.S. at 577. A private citizen has no constitutional, statutory, or common law right to require the investigation or prosecution of a crime. *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *Mitchell v. McNeil*, 487 F.3d 374, 378 (6th Cir. 2007).

Winding argues that the district court improperly construed her due-process claim as asserting a right to a proper investigation. She insists that her due-process claim was based on the police officers' and prosecutors' denial of honest information, suppression and mishandling of evidence, denial of access to evidence concerning Harper's death, and misrepresentation of the status and findings of the murder investigation. But these alleged actions occurred during the investigation and prosecution, and, as stated, Winding lacks a plausible constitutional due-process claim based on the alleged failure to investigate or prosecute Harper's murder.

III. MUNICIPAL LIABILITY

Winding failed to state a claim based on municipal liability. A municipality may not be sued under § 1983 based on a respondeat superior theory of liability. *Monell v. Dep't of Soc. Servs. of N.Y.*, 436 U.S. 658, 691 (1978). Rather, a municipality may be liable under § 1983 only when its official policy or custom caused a violation of the plaintiff's constitutional rights. *Id.* at 694. "A municipality's illegal policy or custom can be shown by: '(1) the existence of an illegal official policy or legislative enactment; (2) that an official with final decision making authority ratified illegal actions; (3) the existence of a policy of inadequate training or supervision; or (4) the existence of a custom of tolerance or acquiescence of federal rights violations.'" *Romero v. City of Lansing*, 159 F.4th 1002, 1015 (6th Cir. 2025) (quoting *Burgess v. Fischer*, 735 F.3d 462, 478 (6th Cir. 2013)).

No. 25-5834

- 7 -

Winding did not allege the existence of an official policy or custom that caused her injury. Winding relied on failure-to-train and custom-of-tolerance theories, but she did not adequately allege either. A failure-to-train claim requires the plaintiff to show that “(1) the training or supervision was inadequate for the tasks performed; (2) the inadequacy was the result of the municipality’s deliberate indifference; and (3) the inadequacy was closely related to or actually caused the injury.” *Id.* (quoting *Ouza v. City of Dearborn Heights*, 969 F.3d 265, 286-87 (6th Cir. 2020)). “[A] custom-of-tolerance claim requires a showing that there was a pattern of inadequately investigating similar claims.” *Burgess*, 735 F.3d at 478. Winding did not allege any specific facts about training, only speculating that City and State employees would have acted differently if they had been properly trained. *Id.* “Even at the motion-to-dismiss stage, [a plaintiff] must plead specific facts beyond speculation and bare recitation of the standard for municipal liability.” *Romero*, 159 F.4th at 1015.

Moreover, Winding relied on her own experience to support municipal liability under a custom-of-tolerance theory. But a single instance of allegedly unconstitutional conduct is not enough to infer “a clear and persistent pattern of violations,” *Pineda v. Hamilton County*, 977 F.3d 483, 495 (6th Cir. 2020) (quoting *David v. City of Bellevue*, 706 F. App’x 847, 853 (6th Cir. 2017)), that is “so permanent and well settled as to constitute a custom or usage with the force of law,” *Monell*, 436 U.S. at 691; see *Thomas v. City of Chattanooga*, 398 F.3d 426, 432-33 (6th Cir. 2005). And Winding’s reliance on a December 2024 Department of Justice (DOJ) report to show that the City engaged in a pattern or practice of unconstitutional conduct does not support her municipal-liability claim. Winding recognized that the DOJ report focused on traffic stops conducted by MPD officers but asserted that it supported her allegation that the City operated under a policy or custom of tolerating constitutional rights violations. The DOJ report found that the MPD “uses excessive force,” “conducts unlawful stops, searches, and arrests,” and “unlawfully discriminates against Black people in its enforcement activities,” and that the City and MPD “unlawfully discriminate in their response to people with behavioral health disabilities.” United States DOJ, Civil Rights Div., *Investigation of the Memphis Police Dep’t & the City of Memphis*, (Dec. 4, 2024), <https://www.justice.gov/crt/media/1379096/dl>, p. 1. A DOJ investigative report “may be

No. 25-5834

- 8 -

relevant to proving a policy or custom under a *Monell* claim.” *Stucker v. Louisville Metro Gov’t*, No. 23-5214, 2024 WL 2135407, at *12 (6th Cir. May 13, 2024). But Winding did not show that the DOJ report that she cited concerned a pattern of unconstitutional conduct sufficiently comparable to the conduct alleged in her complaint. *See Franklin v. Franklin County*, 115 F.4th 461, 472 (6th Cir. 2024). Winding failed to adequately allege an official policy or custom that caused her alleged injury, inadequate training of employees, or a custom of tolerating constitutional violations.

Winding argues that the district court improperly ruled that she did not allege any misconduct by the County and misconstrued her claims against the County as claims against the State. She contends that she asserted claims against the West Tennessee Regional Forensic Center, an agency of the County, related to County policies and practices regarding mishandling of forensic evidence, improper death notification, and failure to preserve evidence. The district court did not misconstrue Winding’s claims against the County. Rather, the magistrate judge properly determined that Winding’s claims against the Shelby County district attorneys and Hettinger were claims against the State. *See White ex rel. Swafford*, 860 F.2d at 663 n.2.

Winding argues that her allegations established that the City and State have illegal policies and practices resulting in improper homicide investigations, including failing to train officers on proper death notification and to ensure that those investigations are transparent. She also argues that the City was aware of “systemic investigative failures” through the DOJ report but did not correct them. These arguments reiterate the same allegations that are insufficient to support municipal liability. They are “just a formulaic recitation of the elements of a *Monell* claim” unsupported by any concrete facts that the City and State have policies and customs of failing to properly investigate homicides. *Martinez v. Wayne County*, 142 F.4th 828, 845 (6th Cir. 2025) (citation modified). And this sort of “‘legal conclusion couched as a factual allegation’ is not entitled to a presumption of truth.” *Id.* (quoting *Crawford v. Tilley*, 15 F.4th 752, 762 (6th Cir. 2021)).

No. 25-5834

- 9 -

IV. CVRA

The CVRA protects crime victims by ensuring that they receive certain rights. 18 U.S.C. § 3771(a). The CVRA defines a “crime victim” as “a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia.” 18 U.S.C. § 3771(e)(2)(A). Winding’s alleged harm arose from a state criminal offense, Harper’s murder, so she does not meet the definition of “crime victim” under the CVRA. *See id.* The district court properly ruled that the CVRA did not apply.

V. DISCOVERY

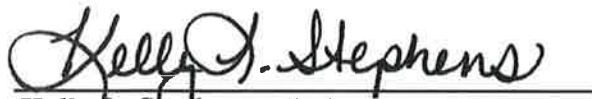
Winding argues that the district court prematurely dismissed her case without permitting discovery. But because Winding’s complaint named defendants immune from suit under § 1983 and otherwise failed to state a claim for relief, discovery was not warranted. *See Kovalchuk v. City of Decherd*, 95 F.4th 1035, 1041 (6th Cir. 2024) (explaining that a plaintiff cannot use discovery to obtain the facts needed to proceed past the pleading stage).

VI. CUMULATIVE ERROR

Winding argues that the district court’s cumulative errors denied her a fair proceeding. Because we find no error in the district court proceedings, the “record presents ‘no cumulation of errors.’” *Craddock v. FedEx Corp. Servs., Inc.*, 102 F.4th 832, 845 (6th Cir. 2024) (quoting *United States v. Bankston*, 820 F.3d 215, 234 (6th Cir. 2016)).

We therefore **AFFIRM** the district court’s judgment.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 05/11/2026.

Case Name: Tara Winding v. City of Memphis, TN Police Department, et al

Case Number: 25-5834

Docket Text:

ORDER filed: We therefore AFFIRM the district court's judgment., pursuant to FRAP 34(a)(2)(C), decision not for publication. Mandate to issue. John K. Bush and Joan L. Larsen, Circuit Judges.

The following document(s) are associated with this transaction:

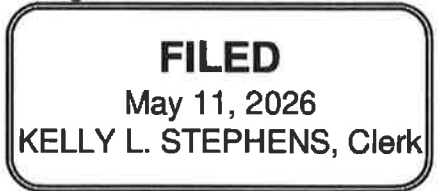
Document Description: Order

Notice will be sent to:

Ms. Tara Winding
P.O. Box 770411
Memphis, TN 38177

A copy of this notice will be issued to:

Ms. Katherine L. Frazier
Ms. Julia Marie Hale
Ms. Peako Andrea Jenkins
Ms. Wendy R. Oliver
Ms. Kimberly Nicole Perry



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 25-5834

TARA WINDING, Individually and as Personal
Representative of Estate of Matthew Harper,
Deceased,

Plaintiff-Appellant,

v.

CITY OF MEMPHIS, TN POLICE
DEPARTMENT,

Defendant,

and

LIEUTENANT BRIAN BEASLEY, individually
and official capacity, et al.,

Defendants-Appellees.

Before: BUSH and LARSEN, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Western District of Tennessee at Memphis.

THIS CAUSE was heard on the record from the district court and was submitted on the
briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the judgment of the district court
is AFFIRMED.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

No. 25-5834

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jul 21, 2026
KELLY L. STEPHENS, Clerk

TARA WINDING, Individually and as Personal)
Representative of Estate of Matthew Harper,)
Deceased,)

Plaintiff-Appellant,)

v.)

CITY OF MEMPHIS, TN POLICE)
DEPARTMENT,)

Defendant,)

and)

LIEUTENANT BRIAN BEASLEY, individually)
and official capacity, et al.,)

Defendants-Appellees.)

ORDER

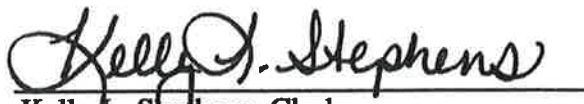
Before: BUSH and LARSEN, Circuit Judges.

Tara Winding, proceeding individually and as personal representative of the estate of her deceased son, Matthew Harper, has filed a petition for rehearing of this court's order of May 11, 2026, affirming the dismissal of her civil suit.

Upon consideration, this panel concludes that it did not misapprehend or overlook any point of law or fact when it issued its order. *See* Fed. R. App. P. 40(b)(1)(A).

We therefore **DENY** the petition for rehearing.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 07/21/2026.

Case Name: Tara Winding v. City of Memphis, TN Police Department, et al

Case Number: 25-5834

Docket Text:

ORDER filed: We DENY the petition for rehearing [7536335-2]. John K. Bush, Circuit Judge and Joan L. Larsen, Circuit Judge.

The following documents(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Ms. Tara Winding
P.O. Box 770411
Memphis, TN 38177

A copy of this notice will be issued to:

Ms. Katherine L. Frazier
Ms. Julia Marie Hale
Ms. Peakó Andrea Jenkins
Ms. Wendy R. Oliver
Ms. Kimberly Nicole Perry