No. _____

In the Supreme Court of the United States

JUSTIN HUGHES

Applicant,

v.

UNIVERSITY HOSPITALS, ET AL.

Respondents.

APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

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RECEIVED
OCT 27 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

TO THE HONORABLE BRETT M. KAVANAUGH,
ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT
AND CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT:

Pursuant to Supreme Court Rule 13.5, Applicant respectfully request a 60-day extension of time, up to and including January 4, 2027, within which to file a petition for a writ of certiorari in this case. [1]

The United States Court of Appeals for the Sixth Circuit issued its decision affirming the dismissal of Applicant's civil-rights action on August 5, 2026. (App. A.). Absent an extension, Applicant's for a Writ of Certiorari expires November 3, 2026. This application complies with Rules 13.5 and 30.2 as it is filed more than ten days before the petition is due. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

BACKGROUND

This case arises from Applicant's involuntary detention and treatment pursuant to Ohio's emergency psychiatric hospitalization framework.

On January 15, 2023, Applicant voluntarily sought emergency medical care at a University Hospitals facility for treatment of pain. Following his participation in a voluntary mental health examination, the ensuing events resulted in Applicant's involuntary detention and transfer

[1] This date was calculated using the computation of time provided under Rule 30.1

for psychiatric hospitalization under Ohio Revised Code Chapter 5122.

Applicant subsequently challenged the legal and constitutional sufficiency of the procedures used to deprive him of liberty, including the factual basis supporting the emergency hospitalization, the authority exercised by those responsible for his detention, and the adequacy of the safeguards available to protect against erroneous confinement.

On January 16, 2024, Applicant commenced a civil-rights action in the United States District Court for the Northern District of Ohio, Case No. 1:24-cv-00093, asserting claims under 42 U.S.C. § 1983 and other federal and state law.

The litigation presented two distinct questions concerning governmental accountability.

First, whether individuals employed by private institutions, but exercising authority conferred through Ohio's statutory civil-commitment system, act under color of state law and may be held accountable under 42 U.S.C. § 1983 for constitutional violations committed in that capacity.

Second, whether state officials possessing statutory and constitutional responsibilities for administering and regulating Ohio's civil-commitment system may be subjected to prospective injunctive relief under *Ex parte Young*, 209 U.S. 123 (1908), to prevent ongoing constitutional violations resulting from allegedly deficient policies, procedures, and practices.

The District Court dismissed Applicant's action on February 6,

2025. Following the denial of reconsideration on July 29, 2025, judgment was entered on August 28, 2025.

Applicant appealed to the Sixth Circuit, which affirmed the District Court's judgment on August 5, 2026.

Applicant contends that the lower courts' analyses failed to sufficiently disaggregate the particular conduct, statutory authority, and legal capacity of the respective defendants. The proposed petition will address whether the lower courts properly applied this Court's precedents governing state action, standing, and prospective relief.

REASONS SUPPORTING AN EXTENSION

The time to file a Petition for a Writ of Certiorari should be extended for 60 days for the following reasons:

1. **The underlying subject matter has required Applicant to address significant mental-health considerations and establish continuity of treatment following relocation.**

The litigation arises from events that Applicant alleges resulted in substantial psychological harm. Revisiting those events in the course of preparing the petition can produce significant emotional distress and dysregulation.

Following a recent relocation, Applicant has needed to establish care with new mental-health providers to obtain appropriate continuity of treatment and support before meaningfully reengaging with the underlying subject matter.

These circumstances have affected Applicant's ability to complete the necessary

research and drafting within the prescribed period. Additional time would permit Applicant to manage these considerations while preparing an adequately supported petition.

2. The proposed petition presents substantial constitutional questions requiring careful examination of historical governmental authority and this Court's state-action jurisprudence.

The proposed petition concerns the constitutional attribution of conduct undertaken by privately employed individuals exercising coercive authority pursuant to Ohio's emergency civil-commitment framework.

Applicant intends to examine the historical lineage of the civil-commitment function, the statutory authority conferred upon persons responsible for administering it, the capacity in which the individual defendants acted, and the relationship between that authority and the particular conduct alleged to have deprived Applicant of constitutional rights.

In *Lindke v. Freed*, 601 U.S. 187 (2024), this Court discussed the governmental lineage necessary for conduct to constitute state action under 42 U.S.C. § 1983. The proposed petition seeks to examine the application of those principles to privately employed individuals exercising authority within a statutory system of involuntary psychiatric hospitalization on an ad hoc basis.

The petition also requires examination of the lower courts' treatment of the individual defendants. Applicant contends that the courts' analyses did not sufficiently distinguish the particular conduct undertaken by each defendant, the source of the authority exercised, and the circumstances surrounding the alleged

constitutional deprivation.

Additional time is necessary to research and develop these arguments within the framework of this Court's existing precedents.

3. The case implicates unresolved constitutional questions concerning emergency psychiatric detention and the adequacy of procedural safeguards.

In *Caniglia v. Strom*, 593 U.S. 194 (2021), Justice Alito's concurrence recognized that this Court had not addressed certain Fourth Amendment restrictions governing short-term emergency psychiatric seizures.

The concurrence also acknowledged substantial variation among state statutory frameworks governing emergency hospitalization, including the persons authorized to initiate detention and the procedures governing the deprivation of liberty. The proposed petition concerns Ohio's particular statutory framework and the constitutional consequences of authorizing noncriminal individuals to be detained without prior judicial authorization.

Applicant seeks additional time to examine the relevant historical authorities, academic treatment, and constitutional precedents concerning emergency civil commitment, the exercise of governmental police power, and procedural safeguards against erroneous deprivations of liberty.

4. The proposed petition requires examination of the lower courts' treatment of standing and prospective relief against state officials.

Applicant further intends to address the dismissal of claims for prospective injunctive relief against Ohio officials responsible for the administration of the State's civil-commitment system.

The Governor of Ohio possesses constitutional executive authority and statutory responsibilities concerning the appointment and supervision of the Director of Behavioral Health.

The Director, in turn, possesses statutory responsibilities concerning the development of rules, forms, procedures, and institutional oversight associated with involuntary psychiatric hospitalization.

Applicant contends that these particular responsibilities bear upon the availability of prospective relief under *Ex parte Young*, 209 U.S. 123 (1908), and require examination of the connection between the officials' legal authority, the allegedly unconstitutional practices, and the relief requested.

Additional time is necessary to examine the relevant statutory provisions and develop the relationship between those provisions and this Court's precedents governing standing, sovereign immunity, and prospective injunctive relief.

5. A recent decision of the Supreme Court of Ohio requires examination before the petition can be completed.

On October 21, 2026, the Supreme Court of Ohio issued its decision State v. Dowell, Slip Opinion No. 2026-Ohio-4094, holding that individuals who refuse to

comply with an emergency hospitalization order issued under R.C. 5122 may be criminally charged with obstruction of justice and face imprisonment.

The decision potentially bears upon the legal authority exercised within Ohio's emergency psychiatric hospitalization framework and the consequences attached to refusing or resisting an emergency hospitalization order. It also may bear upon the relationship between statutory authorization, the coercive authority exercised by individuals acting under the framework, and the constitutional questions presented in the proposed petition.

Because the decision was issued only shortly before the existing certiorari deadline, Applicant requires additional time to examine its implications and determine its appropriate treatment in the proposed petition.

6. The requested extension would permit adequate presentation of the questions without materially prejudicing Respondents.

Applicant seeks the extension in good faith and not for purposes of unnecessary delay. The requested extension would allow Applicant to complete the necessary research, address the newly issued Ohio Supreme Court decision, establish appropriate continuity of care, and prepare a concise petition of maximum assistance to this Court.

The requested extension concerns only the time for seeking discretionary review and would not disturb the existing judgment or impose any immediate obligation upon Respondents to litigate the merits.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the time to file his Petition for a Writ of Certiorari be extended for 60 days, up to and including January 4, 2027, subject to the computation of time under Supreme Court Rule 30.1.

Respectfully submitted,

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October 23, 2026

APPENDIX

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CERTIFICATE OF SERVICE

I, Justin Hughes, certify that on October 23, 2026, I served a copy of the Application for Extension of Time to File a Petition for a Writ of Certiorari, together with its attachments, upon counsel of record for Respondents by depositing properly addressed copies in the United States mail, addressed as follows:

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

Executed on October 23, 2026.

App. A

NOT RECOMMENDED FOR PUBLICATION

No. 25-3701

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 5, 2026
KELLY L. STEPHENS, Clerk

JUSTIN HUGHES, Plaintiff-Appellant, v. UNIVERSITY HOSPITALS, et al., Defendants-Appellees.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

ORDER

Before: COLE, BLOOMEKATZ, and RITZ, Circuit Judges.

Justin Hughes, proceeding pro se, appeals the district court's order dismissing his civil rights suit. 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). For the following reasons, we affirm.

In January 2023, Hughes sought medical treatment and a mental health evaluation from the University Hospital emergency room. University Hospital staff noted that he exhibited bizarre behavior and determined that he was a moderate suicide risk. Since he presented "a substantial risk of physical harm to himself or others if allowed to remain at liberty," the staff involuntarily committed Hughes in accordance with Ohio law.

Challenging his involuntary commitment, Hughes sued University Hospitals and relevant personnel (Hospital Defendants), asserting that they violated his rights to due process under 42 U.S.C. § 1983 and the Fourteenth Amendment, violated Title II of the Americans with Disabilities Act (ADA), and committed several state torts. He also sued the Ohio governor and Interim

Director of the Ohio Department of Behavioral Health (Ohio Defendants) for due process and equal protection violations.

The district court granted the Hospital Defendants' motion to dismiss, holding that Hughes's federal claims failed because the hospital and its employees are private actors, not state actors subject to suit under § 1983 or public entities subject to suit under Title II of the ADA. The court then declined to exercise supplemental jurisdiction over his related state law claims. The district court also granted the Ohio Defendants' motion to dismiss, holding that Hughes's claims were barred by the Eleventh Amendment.

On appeal, Hughes argues that his § 1983 and state law claims against the Hospital Defendants were improperly dismissed because they are agents of the state and therefore state actors. He forfeited any challenge to the judgment on his other claims. *McPherson v. Suburban Ann Arbor, LLC*, 135 F.4th 419, 425 (6th Cir. 2025) ("[W]e will treat an argument not raised in the opening brief 'as forfeited.'" (quoting *Island Creek Coal Co. v. Wilkerson*, 910 F.3d 254, 256 (6th Cir. 2018))).

"We review de novo a district court's grant of a motion to dismiss." *Moshi v. Kia Am., Inc.*, 155 F.4th 652, 656 (6th Cir. 2025). To avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

"A plaintiff invoking § 1983 must establish that the defendant was acting 'under the color of state law' and deprived the plaintiff of 'rights secured by federal law.'" *Lawson v. Creely*, 137 F.4th 404, 411 (6th Cir. 2025) (quoting *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463, 475 (6th Cir. 2008)). "An individual acts under color of state law, as required by § 1983, when he has 'exercised power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.'" *Id.* at 411-12 (quoting *Dean v. Byerley*, 354 F.3d 540, 552 (6th Cir. 2004)). We utilize three approaches in determining whether the challenged conduct is fairly attributable to the state, asking (1) "whether the individual engaged in an action traditionally handled exclusively by the state" (the public-function test), (2) "whether the state compelled the individual's conduct" (the state-compulsion test), or (3) "whether a symbiotic

relationship existed between the state and the individual" (the symbiotic-relationship or nexus test). *Warman v. Mount St. Joseph Univ.*, 144 F.4th 880, 892 (6th Cir. 2025).

First, Hughes did not establish that the Hospital Defendants are state actors under the public-function test. He notes that the Hospital Defendants have argued that they enjoy immunity under state law, Ohio Rev. Code § 5122.34, as a mental health institution. But to satisfy the public-function test, the Hospital Defendants would have to "'exercise powers which are traditionally exclusively reserved to the state,'" such "as holding elections, exercising eminent domain, [or] operating a company-owned town." *Nugent v. Spectrum Juv. Just. Servs.*, 72 F.4th 135, 140 (6th Cir. 2023) (quoting *Carl v. Muskegon County*, 763 F.3d 592, 595 (6th Cir. 2014)). "To determine whether the public function test is satisfied, 'the court conducts a historical analysis to determine whether the party has engaged in an action traditionally reserved to the state, and the plaintiff bears the burden of making that showing.'" *Id.* (quoting *Wittstock v. Mark A. Van Sile, Inc.*, 330 F.3d 899, 902 (6th Cir. 2003)). Hughes failed to present any history of involuntary commitment in Ohio to demonstrate that this was a function held exclusively by the state. *See Ellison v. Garbarino*, 48 F.3d 192, 196-97 (6th Cir. 1995) (finding no state action given that the plaintiff "neglected to offer any analysis concerning the history of involuntary commitment in Tennessee," and because the doctors were "in no way contractually bound to the state"); *see also Carl*, 763 F.3d at 597 (discussing *Ellison*).

Second, the Hospital Defendants are not state actors under the state-compulsion test. Hughes argues that Ohio's civil commitment statute allowed the Hospital Defendants to "function[] as the State's coercive arm." But "hospitals and doctors do not become state actors merely because they comply with state statutes." *Siefert v. Hamilton County*, 951 F.3d 753, 760 (6th Cir. 2020). Hughes also argues that because Ohio issued licenses to the Hospital Defendants, they are state actors. But "the mere fact that a hospital is licensed by the state is insufficient to transform it into a state actor." *Id.* (quoting *Kottmyer v. Maas*, 436 F.3d 684, 688 (6th Cir. 2006)).

Third, Hughes did not allege a sufficient nexus between the Hospital Defendants and Ohio. Hughes points out that the Ohio Department of Behavioral Health (previously known as the Department of Mental Health and Addiction Services) "promulgates rules, reviews facilities, and

reimburses hospitals through state and federal funds." But this does not establish state action, because the Hospital Defendants had the authority to involuntarily commit Hughes, and that decision was not directly overseen by the state. *Cf. id.* at 760-61. Thus, Hughes did not allege that the Hospital Defendants and the state have the sort of "deep and symbiotic relationship" in which "a private party becomes a state actor" for purposes of a § 1983 case. *Id.* at 761.

Because the district court properly dismissed Hughes's federal claims, the court did not abuse its discretion by declining to exercise supplemental jurisdiction over his remaining state law claims. *See Golf Vill. N., LLC v. City of Powell*, 14 F.4th 611, 624 (6th Cir. 2021).

For these reasons, we **AFFIRM** the district court's order.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

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 08/05/2026.

Case Name: Justin Hughes v. University Hospitals, et al
Case Number: 25-3701

Docket Text:
ORDER filed : We AFFIRM the district court's order. Mandate to issue, decision not for publication, pursuant to FRAP 34(a)(2)(C). R. Guy Cole, Jr., Circuit Judge; Rachel Bloomekatz, Circuit Judge and Kevin G. Ritz, Circuit Judge.

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

Notice will be sent to:

Mr. Justin Hughes
P.O. Box 470039
Broadview Heights, OH 44147

A copy of this notice will be issued to:

Mr. Christian Marc Capece
Mr. Justin Scott Greenfelder
Ms. Sandy Opacich
Mr. Justin Radic

App. B

FILED
Aug 5, 2026
KELLY L. STEPHENS, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 25-3701

JUSTIN HUGHES,

Plaintiff-Appellant,

v.

UNIVERSITY HOSPITALS, et al.,

Defendants-Appellees.

Before: COLE, BLOOMEKATZ, and RITZ, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Northern District of Ohio at Cleveland.

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 order of the district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens

Kelly L. Stephens, Clerk