No. _____

IN THE

Supreme Court of the United States

TARA FOGLEMAN-LAXEY,

Applicant,

—— v.——

JOSHUA GUILLORY, LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT, SCOTT MORGAN, MARK GARBER, DONALD LANDRY, POLICE OFFICER DOES, LISA CARSTENS,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Fifth Circuit:

Pursuant to this Court's Rule 13.5, 22, and 30.2, Applicant-Petitioner Tara Fogleman-Laxey respectfully requests an extension of time of sixty days in which to file a petition for a writ of certiorari to review the judgment of the Fifth Circuit Court of Appeals, from November 23, 2026, until January 22, 2026.

In support of this motion, Ms. Fogleman-Laxey submits the following:

1. On August 24, 2026, the U.S. Court of Appeals for the Fifth Circuit issued its decision affirming the district court's order dismissing Applicant's claims under the First, Fourth, and Fourteenth Amendments as well as Louisiana state law. That decision, along with the dissenting opinion, is reported at 188 F.4th 854, and a copy is attached hereto (Appendix A). Ms. Fogleman-Laxey did not petition for a rehearing en banc.

2. The forthcoming petition arises from Ms. Fogleman-Laxey's protest and subsequent arrest. On August 29, 2020, Ms. Fogleman-Laxey staged a peaceful, nonviolent protest following the killing of 31-year old Trayford Pellerin by officers of the Lafayette Police Department. The protest took place near the home of Lafayette's mayor and on the side of a public road, between two legally parked cars. During Ms. Fogleman-Laxey's protest, at least ten cars—including three police cars—passed without obstruction on the street where she stood.

3. Based on her protest, officers of the Lafayette Police Department arrested Ms. Fogleman-Laxey and charged her with obstruction of a public

passageway, La. Rev. Stat. § 14:100.1, and disturbing the peace, La. Rev. Stat. § 14:103. Ms. Fogleman-Laxey filed a complaint in the Western District of Louisiana challenging her arrest on a series of constitutional and state law grounds, including, as relevant here, as retaliation for her exercise of her First Amendment rights and as without probable cause in violation of the Fourth Amendment. Ms. Fogleman-Laxey named Lafayette's mayor and chief of police, as well as several other police officers and government officials, as defendants in their individual and official capacities. Ms. Fogleman-Laxey also named the Lafayette City-Parish Consolidated Government as a defendant.

4. A split Fifth Circuit panel affirmed the district court's dismissal of Ms. Fogleman-Laxey's complaint. The court held that Ms. Fogleman-Laxey had failed to overcome the individual appellees' assertions of qualified immunity. It also held that Ms. Fogleman-Laxey failed to adequately plead that the municipal appellees were liable under this Court's decision in *Monell v. Dep't of Soc. Servs. of the City of New York*, 436 U.S. 658 (1978).

5. Judge Willett dissented from the panel's decision. Judge Willett would have found the individual appellees' assertions of qualified immunity defeated, as a reasonable officer would have understood that arressting a peaceful protestor, without probable cause and because of her protest, violates the First and Fourth Amendments. Judge Willett would have also found that Ms. Fogleman-Laxey plausibly alleged her claims of municipal liability.

6. The decision below presents several substantial issues of federal law. The Fifth Circuit's decision cements a clear and persistent disagreement among the lower courts as to how to apply the doctrine of qualified immunity in accordance with this Court's precedents and the text of 42 U.S.C. § 1983. The Fifth Circuit's decision also entrenches disagreement among the lower courts as to the proper application of this Court's decision in *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978).

7. Pursuant to Supreme Court Rule 13.1, the petition for certiorari is currently due in this Court on November 23, 2026. This Application is timely filed under Rule 30.2. Ms. Fogleman-Laxey respectfully requests a 60-day extension, through January 22, 2026.

8. The requested additional time would enable counsel to more effectively distill for the Court the facts and issues this important and complex case presents. The current November 23 due date coincides with deadlines in multiple cases for which the undersigned have substantial briefing and argument responsibilities, including matters pending in this Court: a reply brief to the petition for a writ of certiorari in *Nathan v. Alamo Heights Independent School District* (filing November 16); a brief in opposition to the petition for a writ of certiorari in *Trump v. Suri*, No. 26-380 (due November 20); a brief in opposition to the petition for a writ of certiorari in *Moylan v. Guam Society of Obstetrician and Gynecologists*, No. 26-22 (due November 24); a petition for a writ of certiorari in *Ford v. McKesson*, No. 26A538 (due November 27); a brief in opposition to the petition for a writ of certiorari in *Jack v.*

Whateley, No. 26-584 (due December 3); a brief in opposition to the petition for a writ of certiorari in *Diaz v. Pernell*, No. 26-475 (due January 8); and a Respondents' Brief on the Merits in *Rhoney v. Barbosa da Cunha*, No. 25-3141 (due January 13).

9. Respondents do not oppose this request for an extension of time.

For the foregoing reasons, Applicant-Petitioner Tara Fogleman-Laxey respectfully requests an extension of the time to file a Petition for Writ of Certiorari in this case for sixty days, up to and including January 22, 2026.

Respectfully submitted,

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