No. _____

IN THE

Supreme Court of the United States

SHARI LYNN OLIVER,

Applicant,

v.

JULIE A. MCDONALD,
OAKLAND COUNTY FRIEND OF THE COURT,

Respondents.

APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT, FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

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INTRODUCTION

Pursuant to Supreme Court Rules 13.5 and 22, Applicant, Shari Lynn Oliver, proceeding pro se, respectfully requests a 60-day extension of time, through and including February 1, 2027, within which to file a petition for a writ of certiorari seeking review of the September 4, 2026 judgment of the United States Court of Appeals for the Sixth Circuit. The requested extension is sought with respect to both Respondents identified in the caption.

The original deadline for filing the petition for a writ of certiorari is December 3, 2026. This application is being submitted at least ten days before that deadline, as required by Supreme Court Rule 13.5.

The requested extension is necessary because a motion remains pending before the Sixth Circuit seeking permission to file a petition for panel rehearing and rehearing en banc that Applicant mailed before the applicable filing deadline but that the Clerk received after the deadline. The motion for an extension of time and the tendered rehearing petition are included in Appendices E and F, respectively. The Sixth Circuit has docketed both submissions but has not yet ruled on the motion. (Appendix G.)

The disposition of that proceeding may affect the calculation of the time for seeking certiorari under Supreme Court Rule 13.3 and may also determine whether Supreme Court review will be necessary at all. If the Sixth Circuit accepts the tendered petition for rehearing and grants relief that affords Applicant the relief sought, a petition for a writ of certiorari may become unnecessary. Applicant

therefore seeks this extension to preserve the opportunity for Supreme Court review while allowing the Sixth Circuit to determine whether it will accept and consider the tendered rehearing petition.

I. JUDGMENT SOUGHT TO BE REVIEWED

On September 4, 2026, the United States Court of Appeals for the Sixth Circuit entered an order affirming the district court's order and entered judgment in the appeal. (Appendices A and B.) Applicant seeks review by this Court of the September 4, 2026 judgment.

The Sixth Circuit docket reflects the following relevant proceedings:

1. On September 4, 2026, the Sixth Circuit entered an order affirming the district court's order (Document 9). (Appendix A.)
2. On September 4, 2026, the Sixth Circuit entered judgment in the appeal (Document 10). (Appendix B.)
3. On September 25, 2026, the Clerk sent Applicant a letter returning the petition for panel rehearing and rehearing en banc unfiled because it was received after the September 18, 2026 deadline (Document 11-1). (Appendix C.)
4. On September 28, 2026, the Sixth Circuit issued its mandate (Document 12). (Appendix D.)

5. On September 30, 2026, Applicant's motion for an extension of time to file the petition for rehearing was docketed (Document 13). The motion and its supporting exhibits are reproduced in Appendices E and F.
6. On September 30, 2026, the tendered petition for panel rehearing and rehearing en banc was separately docketed as Document 14, described as a petition received from Applicant and tendered as twelve days late. The tendered petition appears at pages 1–35 of Appendix F. Appendix F also includes Exhibit G to Applicant's motion (Applicant's declaration) and the mailing envelope associated with that motion (pages 38–42).

The Sixth Circuit has not yet ruled on Document 13 or determined whether the tendered petition in Document 14 will be accepted and considered. (Appendix G.)

II. BASIS FOR JURISDICTION IN THIS COURT

This Court's jurisdiction is invoked pursuant to 28 U.S.C. § 1254(1), which authorizes review by writ of certiorari of cases in the courts of appeals.

The judgment sought to be reviewed is the September 4, 2026 judgment of the United States Court of Appeals for the Sixth Circuit in Case No. 25-1885.

The underlying action originated in the United States District Court for the Eastern District of Michigan in Case No. 2:25-cv-12854.

Copies of the Sixth Circuit's September 4, 2026 order and judgment are included in Appendices A and B, respectively.

III. PROCEDURAL CIRCUMSTANCES NECESSITATING THE REQUESTED EXTENSION

Applicant is proceeding without counsel and did not have electronic filing privileges in the Sixth Circuit. Applicant was therefore required to submit court documents through physical mail.

On September 4, 2026, Applicant received two electronic Notices of Docket Activity from the Sixth Circuit, one notifying Applicant of the filing of the Court's order and another notifying Applicant of the entry of judgment. Copies of the two notices are included in Appendix E, at pages 10–11 and 13-14.

Although the notices identified the underlying documents as electronically available, Applicant was unable to access the actual order and judgment through the document links. Attempts to access the documents resulted in an "Object not found!" error. Applicant preserved screenshots documenting the access problems on September 4 and September 5, 2026. Copies of those screenshots are included in Appendix E, at pages 16–17.

The document links became accessible on September 8, 2026, and Applicant also received a mailed copy of the order and judgment on that date. September 8 was therefore the first date on which Applicant was able to review the actual substance of the Sixth Circuit's decision.

After obtaining access to the decision, Applicant promptly prepared a petition for panel rehearing and rehearing en banc. Applicant mailed the completed petition to the Sixth Circuit Clerk by USPS Priority Mail on September 17, 2026, one day before the September 18 filing deadline.

The USPS Priority Mail receipt and tracking documentation reflecting the September 17, 2026 mailing are included in Appendix F, at page 37. Applicant's declaration further describes the mailing and the circumstances surrounding the submission of the rehearing petition. (Appendix F, at pages 39–41.)

The Clerk received the petition on September 24, 2026, and returned it unfiled on September 25, 2026, because it was received after the September 18 deadline. A copy of the Clerk's September 25, 2026 letter (Document 11-1) is included in Appendix C and is also reproduced as Exhibit F to Applicant's September 30, 2026 motion for an extension of time (Appendix E, at page 22).

Applicant subsequently submitted a motion requesting an extension through September 24, 2026, and requesting that the petition received by the Clerk on that date be accepted and filed. The motion was mailed to the Sixth Circuit on September 25, 2026, as reflected in the mailing documentation included in Appendix F, at page 42.

The motion was docketed on September 30, 2026, as Document 13. A copy of the motion, including its supporting exhibits, is included in Appendix E. The tendered petition was separately docketed as Document 14 and is included in Appendix F, at pages 1–35.

Applicant's declaration supporting the extension request is included in Appendix F, at pages 39–41.

As of the date of this application, the Sixth Circuit has not ruled on the extension motion. The Sixth Circuit docket reflecting the filing of Documents 13 and 14 and the absence of a subsequent ruling is included in Appendix G.

IV. GOOD CAUSE EXISTS FOR THE REQUESTED EXTENSION

Supreme Court Rule 13.5 permits a Justice, for good cause, to extend the time for filing a petition for a writ of certiorari by a period not exceeding 60 days.

Good cause exists here because Applicant faces uncertainty concerning both the disposition of the pending Sixth Circuit proceeding and its consequences for the necessity and timing of Supreme Court review.

Under Supreme Court Rule 13.3, when a lower court appropriately entertains a petition for rehearing that was not timely filed, the time for filing a petition for a writ of certiorari runs from the date of the lower court's denial of rehearing or, if rehearing is granted, the subsequent entry of judgment.

Applicant's pending motion asks the Sixth Circuit to accept and consider the tendered petition for rehearing. (Appendix E.) The Sixth Circuit has docketed the extension motion and separately docketed the tendered rehearing petition, but has not yet determined whether the petition will be accepted and considered. (Appendices E, F, and G.) However, the Court has not yet determined whether it

will grant the requested extension or otherwise entertain the tendered rehearing petition. (Appendix G.)

Consequently, the outcome of the pending Sixth Circuit proceeding may affect both the necessity for and timing of Supreme Court review. If the Sixth Circuit accepts the tendered petition for rehearing and ultimately modifies or vacates its judgment in a manner that affords Applicant the relief sought, further review by this Court may become unnecessary. Conversely, if the Sixth Circuit declines to grant relief, Applicant may still need to seek review by this Court, and the disposition of the rehearing proceeding may affect the calculation of the certiorari deadline under Rule 13.3. Until the Sixth Circuit rules, Applicant cannot determine whether Supreme Court review will be necessary or, if so, when the applicable filing deadline will run.

Applicant does not contend that the mere filing or pendency of the Sixth Circuit motion automatically suspends the time for seeking certiorari. Rather, Applicant seeks this extension to ensure that the right to seek Supreme Court review is preserved while the Sixth Circuit determines whether it will consider the tendered petition.

Without an extension, Applicant would be required to prepare and file a petition for a writ of certiorari by December 3, 2026, notwithstanding the unresolved Sixth Circuit proceeding. Depending on the Sixth Circuit's disposition, such a petition could prove unnecessary or require substantial revision to account for any modification or replacement of the judgment under review.

The requested extension would provide a reasonable period in which to obtain a ruling from the Sixth Circuit, complete preparation of the Supreme Court petition, and determine the appropriate course of action in light of the Sixth Circuit's disposition.

Applicant has acted diligently throughout these proceedings. Applicant prepared and mailed the rehearing petition before the Sixth Circuit's deadline, as reflected in the USPS mailing documentation (Appendix F, at page 37), promptly sought relief after the Clerk returned the petition (Appendix E), and is now seeking additional time from this Court before the original certiorari deadline expires.

Applicant is not seeking an extension to delay these proceedings or to obtain an unfair advantage. The requested extension is intended solely to preserve meaningful access to Supreme Court review while the pending Sixth Circuit proceeding is resolved.

V. THE REQUESTED EXTENSION WILL NOT PREJUDICE ANY RESPONDENT

The underlying action sought prospective declaratory and injunctive relief under 42 U.S.C. § 1983 to address alleged ongoing violations of federal constitutional rights arising from the enforcement of child-support and custody-related orders within Michigan's family-court system. The district court dismissed the action before issuing summons. The district court docket reflects that no summons was issued and no defendant appeared in the action. (Appendix H.)

Accordingly, neither Respondent was served with the complaint or participated in the district court proceedings. Neither Respondent appeared or participated in the subsequent Sixth Circuit appeal.

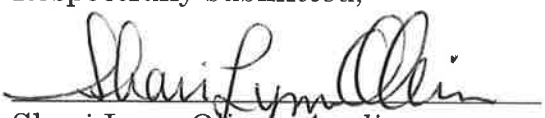
Applicant seeks only a limited extension of time to prepare and file a petition for a writ of certiorari while the Sixth Circuit resolves the pending motion concerning the tendered petition for rehearing.

The requested extension will impose no additional obligations on either Respondent and will not otherwise prejudice either Respondent.

VI. REQUEST FOR RELIEF

For the foregoing reasons, Applicant Shari Lynn Oliver respectfully requests that the Circuit Justice grant this application and extend the time for filing a petition for a writ of certiorari by 60 days, through and including February 1, 2027.

Respectfully submitted,



Date: November 10, 2026

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APPENDIX INDEX

Page references in this application are to the page numbers appearing at the top of the respective Sixth Circuit docket documents reproduced in the Appendices.

Appendix A: Sixth Circuit's September 4, 2026 Order affirming the district court's dismissal (Document 9).

Appendix B: Sixth Circuit's September 4, 2026 Entry of Judgment (Docket Document 10).

Appendix C: Sixth Circuit Clerk's September 25, 2026 Letter returning the original Petition for Panel Rehearing and Rehearing En Banc unfiled (Docket Document 11-1). The accompanying petition (Document 11-2) was subsequently docketed as Document 14 and is reproduced in Appendix F.

Appendix D: Sixth Circuit's September 28, 2026 Mandate (Docket Document 12), including the Clerk's accompanying cover letter.

Appendix E: Applicant's September 30, 2026 Motion for Extension of Time, including Exhibits A–F, as docketed in the Sixth Circuit as Document 13. The exhibits include the September 4 Notices of Docket Activity, screenshots documenting electronic access problems, mailing documentation, the Clerk's September 25 letter, and the cover page and first page of the tendered rehearing petition.

Appendix F: Applicant's Tendered Petition for Panel Rehearing and Rehearing En Banc (Document 11-2), as docketed in the Sixth Circuit as Document 14, together with associated mailing documentation, Exhibit G to the extension motion (Applicant's Declaration), and the mailing envelope associated with that motion.

Appendix G: Sixth Circuit Docket Sheet showing the September 4, 2026 judgment and subsequent docket entries, including Documents 11, 12, 13, and 14.

Appendix H: District Court Docket Sheet in Case No. 2:25-cv-12854, reflecting dismissal of the action before issuance of summons and the absence of appearances by defendants.

APPENDIX A

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

September 4, 2026 Order of the Sixth Circuit
Sixth Circuit Case No. 25-1885 Document 9

NOT RECOMMENDED FOR PUBLICATION

No. 25-1885

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 4, 2026
KELLY L. STEPHENS, Clerk

SHARI LYNN OLIVER, Plaintiff-Appellant, v. JULIE A. MCDONALD; OAKLAND COUNTY FRIEND OF THE COURT, Defendants-Appellees.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

ORDER

Before: NORRIS, STRANCH, and MATHIS, Circuit Judges.

Shari Lynn Oliver, proceeding pro se, appeals the district court's dismissal of her civil-rights complaint for failure to state a claim. 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.

This is Oliver's third 42 U.S.C. § 1983 action stemming from her divorce and child-custody proceedings in Michigan state court.[1] As part of those state court proceedings, Oakland County Circuit Court Judge Julie A. McDonald issued an opinion and judgment of divorce that, among other things, awarded Oliver's ex-husband sole legal and physical custody of their two minor children and ordered Oliver to pay child support. *See Oliver v. Oliver*, No. 359539, 2022 WL 2382537, at *2 (Mich. Ct. App. June 30, 2022) (per curiam).

[1] *See Oliver v. Oakland Cnty. Friend of the Ct.*, No. 24-12962, 2025 WL 1789639 (E.D. Mich. June 27, 2025); *Oliver v. McDonald*, No. 22-12665, 2023 WL 6141573 (E.D. Mich. Sep. 20, 2023), *aff'd*, No. 23-2007, 2024 WL 4367018 (6th Cir. July 29, 2024) (order), *cert. denied*, 145 S. Ct. 599 (2024).

In this case, Oliver sued Judge McDonald and the Oakland County Friend of the Court, asserting violations of her First and Fourteenth Amendment rights and seeking declaratory and injunctive relief. The district court granted Oliver leave to proceed in forma pauperis and dismissed her complaint for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B), concluding that her claims were barred by sovereign and absolute judicial immunity. The court also enjoined Oliver from filing future lawsuits involving the same issues without leave of the court, having previously warned her that additional duplicative filings would result in sanctions. *See Oliver*, 2025 WL 1789639, at *8.

On appeal, Oliver argues that the district court erred in dismissing her complaint and, alternatively, that it should have permitted her to amend her complaint before dismissing it. She also challenges the district court's imposition of the prefiling injunction.

We review de novo a district court's dismissal of a complaint under § 1915(e)(2)(B). *Hill v. Lappin*, 630 F.3d 468, 470 (6th Cir. 2010). That statute applies when a plaintiff proceeds in forma pauperis, and it requires district courts to screen and dismiss complaints that, among other things, "fail[] to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii). We review the dismissal of claims at the screening stage for failure to state a claim under the standard set out in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). *Hill*, 630 F.3d at 470-71. To avoid dismissal for failure to state a claim, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). As a pro se litigant, Oliver is entitled to a more liberal construction of her pleadings than if she were represented by counsel. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (per curiam).

The district court properly concluded that Oliver's claims against the Oakland County Friend of the Court are barred by sovereign immunity. The Oakland County Friend of the Court is a unit within the Family Division of the Oakland County Circuit Court,[2] which is itself an arm

[2] *See* https://www.oakgov.com/government/courts/friend-of-the-court/about (last visited July 13, 2026).

of the State of Michigan. *See Pucci v. Nineteenth Dist. Ct.*, 628 F.3d 752, 764 (6th Cir. 2010). A State cannot be sued in federal court, regardless of the relief sought, unless the State has consented to suit or Congress has abrogated the immunity by statute—neither of which happened here. *See Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 99-102 (1984); *Harrison v. Michigan*, 722 F.3d 768, 771 (6th Cir. 2013) (noting that § 1983 does not abrogate sovereign immunity and "that Michigan has not consented to the filing of civil rights suits against it in federal court").

Citing *Ex parte Young*, 209 U.S. 123 (1908),[3] Oliver argues that sovereign immunity does not bar all her claims against the State because she sued Judge McDonald in her official capacity for prospective declaratory and injunctive relief. But even so, Oliver's claims for declaratory relief against Judge McDonald fail as a matter of law because there is generally "no case or controversy between judges acting as adjudicators and litigants displeased with litigation outcomes." *McNeil v. Cmty. Prob. Servs., LLC*, 945 F.3d 991, 996 (6th Cir. 2019); *see also Lindke v. Tomlinson*, 31 F.4th 487, 492-94 (6th Cir. 2022). Moreover, Oliver's claims for injunctive relief against Judge McDonald are barred under § 1983's own terms: In 1996, Congress amended § 1983 to provide that "injunctive relief shall not be granted" in an action brought against "a judicial officer for an act or omission taken in such officer's judicial capacity . . . unless a declaratory decree was violated or declaratory relief was unavailable." 42 U.S.C. § 1983; *see also Cooper v. Rapp*, 702 F. App'x 328, 333-34 (6th Cir. 2017). Oliver did not allege that Judge McDonald violated a declaratory decree or that declaratory relief was "unavailable," although she is not entitled to such relief in these circumstances. *See Cooper*, 702 F. App'x at 334.

Oliver further argues that, even if her complaint failed to state a claim, the district court should have granted her leave to amend before dismissing it. But § 1915(e)(2)(B) does not require the district court to do so. *See Norman v. Granson*, No. 18-4232, 2020 WL 3240900, at *2 (6th Cir. Mar. 25, 2020) (order); 28 U.S.C. § 1915(e)(2) (authorizing the district court to dismiss "at any time" a complaint that "fails to state a claim on which relief may be granted"); *see also*

[3] Under the *Ex parte Young* exception, claims for prospective relief against state officials acting in violation of federal law are not barred by sovereign immunity. *Frew ex rel. Frew v. Hawkins*, 540 U.S. 431, 437 (2004); *Boler v. Earley*, 865 F.3d 391, 412 (6th Cir. 2017).

LaFountain v. Harry, 716 F.3d 944, 951 (6th Cir. 2013) (noting that the district court "can," but is not required to, allow amendment when complaint is subject to dismissal under § 1915(e)(2)). In any event, although Oliver insists that she could cure the defects in her complaint simply by filing an amended pleading that names "the appropriate state officials" as defendants, she fails to identify those officials, let alone explain why any claim against them would not be subject to dismissal. We therefore cannot conclude that the district court abused its discretion by not allowing Oliver an opportunity to amend. *See Stanley v. W. Mich. Univ.*, 105 F.4th 856, 867 (6th Cir. 2024).

Oliver also challenges the district court's order enjoining her "from submitting any further filings or new Complaints in [the United States District Court for the Eastern District of Michigan] related to her state court divorce, child custody and child support proceedings without first obtaining leave of Court." A district court has discretion to impose prefiling restrictions on a litigant with a history of filing repetitive and vexatious lawsuits. *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998). Before imposing restrictions, however, the district court must justify its rationale by identifying the party's pattern of repetitive and vexatious filings. *See United States v. Petlechkov*, 72 F.4th 699, 710 (6th Cir. 2023). The court must also give the party notice of the offending conduct and an opportunity to be heard. *See NPF Franchising, LLC v. SY Dawgs, LLC*, 37 F.4th 369, 377 (6th Cir. 2022); *Gray v. United States*, No. 23-3723, 2025 WL 40818, at *2 (6th Cir. Jan. 3, 2025) (order).

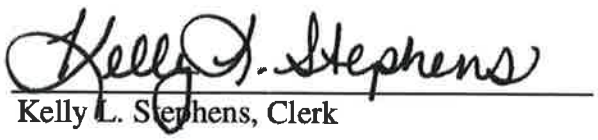
Here, the district court amply justified its decision to sanction Oliver with filing restrictions. As the court found, Oliver filed three federal lawsuits related to her state court divorce and child-custody proceedings, and she persisted in relitigating claims that the district court had already decided were meritless. Oliver's refusal to accept those decisions was vexatious and harassing. Moreover, Oliver received notice of, and objected to, the district court's warning in her prior lawsuit that additional duplicative filings would result in her being deemed vexatious and "subject to significant prefiling restrictions." *Oliver*, 2025 WL 1789639, at *8. Lastly, Oliver's filing restrictions still give her access to the courts, *see Ortman v. Thomas*, 99 F.3d 807, 811 (6th Cir. 1996), while at the same time permitting the district court to efficiently screen out future

repetitive complaints, *see Feathers*, 141 F.3d at 269-70. Under these circumstances, the district court did not abuse its discretion in declaring Oliver a vexatious litigant and subjecting her to filing restrictions.

Finally, Oliver contends that the district court erred by not permitting her to proceed in forma pauperis on appeal. But this court has already resolved this issue, concluding that the district court properly denied pauper status to Oliver. *See Oliver v. McDonald*, No. 25-1885, 2026 U.S. App. LEXIS 4291, at *4 (6th Cir. Feb. 11, 2026) (order). Although Oliver asserts that the district court violated her due process rights by denying her pauper status without proper notice, an opportunity to be heard, or placing any factual findings on the record, she cites no authority for this proposition, and we are aware of none. And to the extent Oliver argues that the district court's denial of pauper status hindered her ability to obtain judicial review of her claims, this appeal proves otherwise.

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

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 09/04/2026.

Case Name: Shari Oliver v. Julie McDonald, et al
Case Number: 25-1885

Docket Text:
ORDER filed: We AFFIRM the district court's order., pursuant to FRAP 34(a)(2)(C), decision not for publication. Mandate to issue. Alan E. Norris, Jane Branstetter Stranch and Andre B. Mathis, Circuit Judges.

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

Notice will be sent to:

Ms. Shari Lynn Oliver
189 N. Castle Drive
Cedar City, UT 84720

A copy of this notice will be issued to:

Ms. Kinikia D. Essix

APPENDIX B

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

September 4, 2026 Judgment of the Sixth Circuit
Sixth Circuit Case No. 25-1885 Document 10

FILED
Sep 4, 2026
KELLY L. STEPHENS, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 25-1885

SHARI LYNN OLIVER,

Plaintiff-Appellant,

v.

JULIE A. MCDONALD; OAKLAND COUNTY FRIEND OF THE COURT,

Defendants-Appellees.

Before: NORRIS, STRANCH, and MATHIS, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.

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

Additional material from this filing is available in the Clerk's Office.