

In the Supreme Court of the United States

MANUEL ADAMS, JR.,

Applicant,

v.

CITY OF HARAHAH

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

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

1. Pursuant to Supreme Court Rule 13.5, Applicant Manuel Adams, Jr. respectfully requests a 60-day extension of time, to and including August 26, 2024, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Fifth Circuit issued its initial opinion on April 14, 2023. A copy of that opinion is attached as Exhibit A. On June 2, 2023, the Fifth Circuit issued an order withdrawing its April 14 opinion. A copy of that order is attached as Exhibit B. Eight months later on February 16, 2024, the Fifth Circuit released a new opinion. A copy of that opinion is attached as Exhibit C. The Fifth Circuit denied Mr. Adams’s petition for rehearing en banc on March 29, 2024. A copy of that order is attached as Exhibit D. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on June 27, 2024. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case.

3. This case raises an exceptionally important question warranting this Court’s review. For centuries this Court has recognized that individuals have an indispensable constitutional right to pursue a chosen profession. But the circuits are intractably divided about a key issue related to the protection of that constitutional right. The circuits are split over whether “a plaintiff’s liberty interest in pursuing a specific profession is violated only if he has been completely prevented from working in that field” (as the Fifth Circuit below held slip op. at 13) or whether a deprivation less severe—such as placing a “significant roadblock” in the way of pursuing one’s chosen occupation (as the Second Circuit has held)—is enough to show a violation.

4. The Fifth Circuit stands alone in requiring a plaintiff to be “completely prevented” from working in their desired occupation to allege a deprivation of their occupational liberty interest. Slip op. at 13.

5. The Due Process Clause of the Fourteenth Amendment states that no State shall “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. Amend. XIV. This Court has long held that “the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the [Fourteenth] Amendment to secure.” *Traux v. Raich*, 239 U.S. 33, 41 (1915); *see also Dent v. West Virginia*, 129 U.S. 114, 121 (1889) (“It is undoubtedly the right of every citizen of the United States to follow any lawful calling,

business, or profession he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex, and condition.”); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Schwartz v. Bd. Of Bar Exam. of N.M.*, 353 U.S. 232, 238-39 (1957) (collecting cases); *Greene v. McElroy*, 360 U.S. 474, 492 (1959).

6. The importance of individual liberties, however, was recognized long before the formation of the United States. The drafters of the Magna Carta recognized the importance of protecting individual liberties from arbitrary government action. This Court has recognized that “[a]s to the words from Magna [Carta] ... the good sense of mankind has at length settled down to this: that they were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice.” *Bank of Columbia v. Okely*, 17 U.S. (4 Wheat.) 235, 244 (1819); see *Albright v. Oliver*, 510 U.S. 266, 302-303 (1994) (noting that “the Magna Carta and the Due Process Clause guarantee ... the very substance of individual rights to life, liberty, and property.”) (internal quotation marks omitted); *Kerry v. Din*, 576 U.S. 86, 91-92 (2015) (quoting 1 W. Blackstone, Commentaries on the Laws of England 130 (1769)) (noting that the “personal liberty of individuals” “consist[ed] in the power of locomotion, of changing situation, or removing one’s person to whatsoever place one’s one own inclination may direct.”).

7. Mr. Adams was a nineteen-year police veteran with the Harahan Police Department who rose to the rank of Captain, a position that came with civil service protections. Due to intra-department politics and personal vendettas, city officials sought to clean house of targeted employees by using pretextual internal investigations and

unfounded allegations to place officers—including Mr. Adams—on the District Attorney’s *Brady/Giglio* list, an action recognized in the world of law enforcement as a “career killer.” Respondent used this tactic with the specific intent to destroy officer careers permanently: putting officers on the list and using their inclusion on the list as the basis to terminate them, thereby circumventing Louisiana’s civil service laws. Indeed, after he was placed on the *Giglio* list, Mr. Adams was unable to obtain employment in law enforcement.

8. The question in this case is of national importance not just to law enforcement officers but to state employees throughout the country. Many state employees, like Mr. Adams, are subjected to pretextual terminations orchestrated by state officials without due process of law in order to avoid civil service protections.

9. The *Adams* holding imposes on state employees under the Fifth Circuit’s jurisdiction a significantly higher, if not impossible, burden to satisfy to plead a deprivation of their occupational liberty interest. This dilemma poses not only a significant burden on state employees within the Fifth Circuit, but also creates significant confusion as to the standard that should be met for one of our country’s most basic, intrinsic constitutional rights. This case thus involves a significant question of law that is of the utmost importance for this Court to address.

10. Additionally, this issue of law is the subject of a clear circuit split. Every circuit has weighed in on this issue, resulting in different standards for a plaintiff to meet to plead an impingement of her occupational liberty interest. The Fifth Circuit stands alone in requiring a plaintiff to be “completely prevented” from working in her desired occupation. Thus, whether a plaintiff’s constitutional occupational liberty interest is

violated is dependent on where she lives. A decision by this Court will resolve this circuit split on what is required to prove a deprivation of one's occupational liberty interest. This issue is ripe for this Court to review.

11. Applicant respectfully requests an extension of time to file a petition for a writ of certiorari. A 60-day extension would allow counsel sufficient time to examine fully the decision's consequences, research and analyze the issues presented, and prepare the petition for filing. Additionally, the undersigned counsel have a number of other pending matters that will interfere with counsel's ability to file the petition on or before June 27, 2024.

Wherefore, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including August 26, 2024.

Dated: June 5, 2024

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Tutt", written over a horizontal line.

Andrew T. Tutt

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