

**IN THE  
SUPREME COURT OF THE UNITED STATES**

\_\_\_\_\_  
No. \_\_\_\_\_  
\_\_\_\_\_

Eon Thompson,

Plaintiff-Applicant,

v.

City of New York; Bill de Blasio, Individually and in his Official Capacity as Mayor of New York City; Cynthia Brann, Individually and in her Official Capacity as Commissioner of Correction; Vincent Schiraldi, In his Official Capacity as Commissioner of Correction; Serena Townsend, Individually and in her Official Capacity as Deputy Commissioner of Investigations; Cynthia Lindblom, Individually and in her Official Capacity as Deputy General Counsel; Patricia Legoff, Individually and in her Official Capacity as Agency Supervisor Attorney; Shulamit Neuman, Individually and in her Official Capacity as Agency Attorney; Damon R. Storer, Individually and in his Official Capacity as Investigator; Amaurys Urena, Individually and in his Official Capacity as Investigator; Kevin F. Casey, Individually and in his Official Capacity as City Administrative Law Judge; Kara J. Miller, Individually and in her Official Capacity as City Administrative Law Judge; Jocelyn McGeachy-Kuls, Individually and in her Official Capacity as City Administrative Law Judge; Joni Kletter, Individually and in her Official Capacity as Commissioner and Chief Administrative Law Judge; Olga Statz, Individually and in her Official Capacity as General Counsel; Frank Ng, Individually and in his Official Capacity as Acting Deputy General Counsel; Andrew Rowe, Union Attorney; Corey Garcia, Union Attorney; Koehler & Isaacs LLP, Union Law Firm; Isaacs Devasia Castro & Wein LLP, Union Law Firm; Corrections Officers' Benevolent Association, Inc., Union,

Defendants-Respondents,

Clarence Smith, Jr., Individually and in his Official Capacity as Agency Attorney, Shon Brown, Individually and in his Official Capacity as Assistant Deputy Warden,

Respondents.

\_\_\_\_\_  
**APPLICATION TO THE HONORABLE SONIA SOTOMAYOR  
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A  
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE  
SECOND CIRCUIT**  
\_\_\_\_\_

Pursuant to Supreme Court Rule 13.5, Eon Thompson (“Applicant”) hereby moves for an extension of time of 60 days, to and including May 10, 2025, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition is March 11, 2025.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

On December 11, 2024, in *Eon Thompson v. City of New York, et al.*, No. 24-1051 (attached as Exhibit 1; original District Court Judgment; Panel Decision, attached as Exhibit 2; and Rehearing and Rehearing En Banc decision attached as Exhibit 3), the Second Circuit affirmed the dismissal of Mr. Thompson’s claims against the City defendants on res judicata grounds, siding with the City. Mr. Thompson petitioned the Second Circuit for rehearing and rehearing *en banc*.

### **JURISDICTION**

This Court will have jurisdiction over any timely filed petition for certiorari in this case under 28 U.S.C. § 1254(1). This application has been filed at least 10 days before the date a petition would be due. *See* Sup. Ct. R. 13.5.

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

1. For the period since the Panel judgment (December 11, 2024 to February 11, 2025), Mr. Thompson, as a NYC correction officer, was mandated by the NYC Department of Correction to work overtime in excess of 150 hours each month.

2. During that period of time, Mr. Thompson could not make the time to learn how to file a petition for a writ of certiorari.
3. Mr. Thompson researched the cost of hiring an attorney to do it but the prices were far too much for him to pay. He could not afford the attorney fees for the work involved.
4. One internet search showed an attorney receiving \$95, 000.00 for preparing a petition for a writ of certiorari; and another charging 50 thousand dollars. Available at <https://www.quora.com/What-is-the-cost-of-hiring-a-lawyer-for-an-appeal-case-in-the-US-Supreme-Court-Is-there-a-possibility-of-obtaining-free-legal-representation-in-this-court>.
5. On February 11, 2025, and after holding his civil service position since 2006, and with a clean employment record, Mr. Thompson was unlawfully dismissed from service.
6. Because of his employment status at the time before the termination of his employment, Mr. Thompson could not file for in forma pauperis.
7. But now that he is unemployed, he can devote the necessary time to prepare his own petition for a writ of certiorari to the Court. He just needs a little more time.
8. In the Panel decision, the Court wrote,

Thompson rests his challenge to the res judicata finding entirely on the theory that there was no valid judgment issued in his state court proceeding. Specifically, Thompson contends that the order issued by the state court was not actually signed by the presiding judge, pointing to a different signature style on an (apparently unrelated) order of the same judge from 2015. But that alleged discrepancy does nothing to undermine the validity of the order in Thompson's case; the 2015 order he refers to was handwritten, and the order in his case was electronically signed. It makes no difference.

*Id.* at p. 7.

9. Mr. Thompson pleaded and showed to the Court a case from the Appellate Division Second Department showing that there is a difference in a digital and signed order.

10. Mr. Thompson cited Charalabidis v. Elnagar, 188 AD 3d 44, 52 - NY: Appellate Div., 2nd Dept. 2020.

11. In that decision, the Court said, “only when the transcript is actually signed or initialed by the judge or justice ... does it meet the requirements of CPLR 2219(a) to be enforceable as an order.” *Id.* at 52.

12. Additionally, in Part 202.5-b of the Uniform Civil Rules For The Supreme Court & The County Court, it reads, “Except where the Chief Administrator authorizes use of electronic signatures, decisions, orders and judgments signed by a judge shall be signed in hard copy.”

13. Although Mr. Thompson does not agree that the paper filed in the state court is an order, he nonetheless appealed the paper to the Second Department.

14. And perfected that appeal on February 27, 2025 under Docket No. 2024-04979.

15. Mr. Thompson simply requested relief of the paper, remand to the Queens Supreme Court, and for the opportunity to discontinue that case.

16. On March 20, 2020, Mr. Thompson filed a request for judicial intervention along with a petition and verified petition in the Queens County Clerk’s Office.

17. Due to the COVID-19 pandemic, Court orders, and lock downs in NYC agencies, Mr. Thompson was not able to serve the Respondent-Respondents until August 18, 2020.

18. Within the same week of August 18, 2020, Mr. Thompson filed copies of his Notice of Petition, Petition, and Verified Petition with the City's time stamp affixed in the Queens County Clerk's Office, Room 140.

19. After more than two years of waiting to hear from the court or Respondent-Respondents, Mr. Thompson researched on the internet how to prepare a stipulation of discontinuance.

20. There was no activity in Mr. Thompson's case from March 20, 2020 to September 2022.

21. And so on September 6, 2022, Mr. Thompson filed a stipulation of discontinuance with the City's Law Department.

22. But at the time Mr. Thompson was not aware that he should have filed the same with the court.

23. In his stipulation papers, Mr. Thompson wrote,

September 6, 2022

Honorable Sylvia Hinds-Radix  
Corporation Counsel  
City of New York  
100 Church Street  
New York, NY 10007

Re: Thompson v. Commissioner Brann, et al.,  
1718/2020

Law Dept. No.: 2020-034667

Dear Hon. Sylvia Hinds-Radix:

I am the Petitioner in the above captioned Article 78 Proceeding, and I write to inform the Corporation Counsel, City of New York, that I wish to withdraw my petition to the Queens County Supreme Court, Index No. 1718/2020.

I have attached a draft stipulation to be filed with the Court in this matter. Please let me know if you will agree to

my draft stipulation so that it can be filed with the Court as soon as possible.

The best way to reach me is by email: loveslave1551@yahoo.com.

Thank you for your anticipated response.

Respectfully submitted,

Eon Thompson, Plaintiff  
Email: loveslave1551@yahoo.com

24. Mr. Thompson attached to that letter a draft stipulation that he learned how to prepare from the internet:

WHEREAS, Petitioner Eon Thompson commenced this proceeding by filing a Notice of Petition on or about March 20, 2020, alleging that Respondent Brann failed to perform a duty imposed upon her by law and designate a qualified person in writing to conduct Petitioner's Civil Service Law Section 75 disciplinary proceeding; that Respondent Richard's assigning of the Section 75 disciplinary proceeding to Respondent Miller was in violation of Civil Service Law Section 75; and to stay further proceedings in the administrative disciplinary action brought against him; and,

WHEREAS, the parties have agreed to the settlement of the above-captioned matter; and,

WHEREAS, no party to this proceeding is an infant, incompetent person for whom a committee has been appointed or conservatee; and,

WHEREAS, no person not a party has an interest in the subject matter of this proceeding:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties as represented below that the above-captioned proceeding be, and it hereby is, withdrawn, discontinued, and dismissed without prejudice, and without cost, fees or

disbursements to any party, and an order to that effect may be entered without further notice.

Dated: September \_\_\_\_, 2022

Brooklyn, New York

25. No one from the City's Law Department contacted Mr. Thompson from the date of his filed letter request, to the present day.

26. However, Mr. Thompson learned of the order from another case between himself and the City.

27. Upon information and belief, no judge or Justice of the Queens Supreme Court was ever assigned to Mr. Thompson's case here being appealed as required. See Uniform Civil Rules For The Supreme Court & The County Court, Part 202.3.

28. And no motion papers from the other parties were ever returned to the Court as required.

"(a) All motions shall be returnable before the assigned judge, and all papers shall be filed with the court on or before the return date." *Id.*, Part 202.8 (a).

29. Mr. Thompson contends that the paper appealed does not fit the criteria for an actual Order, as that term is defined in the Uniform Civil Rules For The Supreme Court & The County Court; and CPLR § 2219.

30. Mr. Thompson avered that the paper purporting to be an order is not signed by a Justice of the Queens Supreme Court, as required by CPLR § 2219.

31. Mr. Thompson contends that a digital signature on an order is not proper.

32. Mr. Thompson contended that the paper purporting to be an order is not an order at all and has not been officially entered by the Queens County Clerk as an order into his record.

33. Instead, the paper only appeared there after Mr. Thompson sought to discontinue the case.

34. In his brief filed before the Panel and *en banc* Mr. Thompson argued that, in construing NY CPLR R.2219(a), the Second Circuit Court said, “the rule applies only to such formal motions and does not apply to the multitude or oral motions made during the course of a trial.” *Salahuddin v. Coughlin*, 781 F.2d 24, 28 (1986).

35. Petitioner’s Article 78 proceeding was a “special proceeding.” CPLR § 401.

36. “Special proceedings shall be commenced and heard in the same manner as motions . . . .” 22 NYCRR § 202.9.

37. Therefore, Petitioner avered that according to Salahuddin, CPLR R.2219(a) applied to the paper purporting to be an order of a Justice of the Queens Supreme Court (ECF No. 122-5), in the proceedings below.

38. In its Summary Order, the Panel adopted the district court’s line of reasoning and affirmed the judgment.

39. Based on the judgment of the Panel, Mr. Thompson avers that his right to procedural due process of law, guaranteed under the due process clause of the Fourteenth Amended to the Federal Constitution has been violated in that he was denied an opportunity to be heard by the District Court’s decision.

40. Mr. Thompson contends that if allowed the extension of time, the facts and evidence will show that the Circuit Panel decision is in conflict with the Circuit Court’s holding in Salahuddin v. Coughlin, 781 F.2d 24, 28 (1986); the Appellate Division Second Department in Matter Charalabidis v. Elnagar, 188 AD 3d 44, 52.



**CONCLUSION**

41. For the foregoing reasons, Mr. Thompson respectfully requests that this Court grant a sixty-day extension, up to and including May 10, 2025, within which to petition for a writ of certiorari.

Dated: Queens, New York  
March 1, 2025

Respectfully submitted,



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