

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

# In the Supreme Court of the United States

PRESIDENT DONALD J. TRUMP,

*Applicant,*

v.

E. JEAN CARROLL,

*Respondent.*

**APPLICATION OF PRESIDENT DONALD J. TRUMP  
TO THE HONORABLE SONIA SOTOMAYOR TO EXTEND THE TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

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Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 30.1, and 30.2 of the Rules of this Court, Applicant President Donald J. Trump respectfully requests a 60-day extension of time, up to and including Monday, November 10, 2025, to file his petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit in this case. The opinion of the court of appeals (App., *infra*, 52A-128A) is reported at 124 F.4th 140. An order of the district court (App., *infra*, 129A-187A) is reported at 683 F. Supp. 3d 302.

The court of appeals entered its judgment on December 30, 2024. A petition for rehearing en banc was denied on June 13, 2025. The concurrence, dissent, and statement accompanying the denial of rehearing en banc (App., *infra*, 1A-51A) are reported at 141 F.4th 366 (Mem). Unless extended, the time within which to file a petition for a writ of certiorari would expire on September 11, 2025. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. In 2019, President Donald J. Trump made statements denying false accusations brought against him in a *New York Magazine* article by E. Jean Carroll. President Trump made these statements from the White House in response to press inquiries about this matter of public interest, and the White House Press Office distributed his statements. The defamation action that Carroll filed in 2019 over President Trump's official statements is known as *Carroll I*. The Second Circuit heard oral arguments in *Carroll I* on June 24, 2025, in case number 24-644.

2. This application relates to *Carroll II*, an action that Carroll brought in 2022 against President Donald J. Trump that wrongly alleges battery and

defamation. President Trump has consistently and unequivocally denied Carroll's allegations in both cases.

3. *Carroll II* proceeded to trial before *Carroll I* as *Carroll I* was delayed because of proceedings concerning President Trump's presidential immunity defense and whether the United States could be substituted as a party for President Trump. *See Carroll v. Trump*, 49 F.4th 759, 761 (2d Cir. 2022) (holding that the President is an "employee of the government" for purposes of the Westfall Act, and certifying to the D.C. Court of Appeals the question of whether President Trump's statements were made within the scope of his employment as President of the United States); *Carroll v. Trump*, 66 F.4th 91, 94 (2d Cir. 2023) (per curiam) (remanding to the district court for further proceedings based on guidance from the D.C. Court of Appeals); *Carroll v. Trump*, 88 F.4th 418, 432 (2d Cir. 2023) (finding no error in the district court's denial, on grounds of undue delay and prejudice, of President Trump's request for leave to amend his answer to raise the defense of presidential immunity).

4. As a result of significant errors, Carroll obtained a \$5 million award in *Carroll II*. Based on the incorrect findings in *Carroll II*, the district court wrongly applied issue preclusion in *Carroll I*, improperly preventing President Trump from contesting the merits in that action. Carroll then obtained an unjust judgment of \$83.3 million in *Carroll I*.

5. President Trump intends to seek review by this Court of significant issues arising from the Second Circuit's erroneous decision in *Carroll II*. These issues involve, without limitation, disagreements among the Circuits, including divergences

in authority regarding the interplay between Federal Rules of Evidence 403 and 413-415, the application of Federal Rule of Evidence 404(b), and others.

6. Good cause exists for an extension to prepare a petition for a writ of certiorari in this case. Undersigned counsel faces a significant press of business due to many upcoming deadlines, including (i) a brief on a motion for permanent injunction due August 29, (ii) a reply brief in support of a dispositive motion due September 11, (iii) a dispositive motion argument to be held on September 15, (iv) a dispositive motion argument and evidentiary hearing on a motion for preliminary injunction to be held on September 16-17, and (v) an amicus brief in support of petitioners in a case pending before this Court due September 19.

7. The Applicant has not previously requested an extension. Applicant respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended 60 days, up to and including November 10, 2025.

August 27, 2025

Respectfully submitted,

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## APPENDIX

Order of the United States Court of Appeals for the Second Circuit denying petition for rehearing en banc, C.A. Doc. 199 (June 13, 2025).....	1A
Opinion of Pérez, Lee, Robinson, and Merriam, Circuit Judges, concurring in denial of rehearing en banc, C.A. Doc. 200 (June 13, 2025) .....	3A
Opinion of Menashi and Park, Circuit Judges, dissenting from denial of rehearing en banc, C.A. Doc. 201 (June 13, 2025) .....	4A
Statement of Chin and Carney, Senior Circuit Judges, in support of denial of rehearing en banc, C.A. Doc. 202 (June 13, 2025) .....	41A
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Memorandum Opinion of the district court denying the Rule 59 Motion of President Donald J. Trump, D.Ct. Doc. 212 (July 19, 2023) .....	129A