

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

STATE OF TEXAS, et al.,

Plaintiffs-Appellees-Cross-
Appellants,

v.

UNITED STATES, et al.,

Defendants-Appellants-Cross-
Appellees.

No. 18-10545

**UNOPPOSED MOTION FOR A 32-DAY EXTENSION OF TIME TO FILE
RESPONSE TO PETITION FOR REHEARING EN BANC**

Under Circuit Rule 31.4, the federal government respectfully requests a 32-day extension of time, to and including November 16, 2020, in which to file its response to plaintiffs' petition for rehearing en banc. This motion is unopposed.

There is good cause for the requested extension for the following reasons.

1. On October 5, 2020, this Court issued an order directing the federal government to respond to the petition for rehearing en banc by October 15, 2020. This is the first request for an extension of that deadline.

2. Joshua Revesz was the Department of Justice attorney with principal responsibility for the federal government's briefs in this case. After the close of briefing and oral argument, Mr. Revesz left the Department of Justice for a Supreme Court clerkship.

3. Mark Stern has principal supervisory responsibility in this case. He is also supervising the government's briefs in other cases with impending deadlines, including: *USF Federal Credit Union v. Gateway Radiology*, 20-13462 (11th Cir.) (opening brief due Oct. 9, on expedited schedule); *Karnoski v. Trump*, No. 20-72793 (9th Cir.) (reply in support of mandamus petition due Oct. 12); *Salas v. Saul*, No. 20-35233 (9th Cir.) (reply brief due Oct. 13); *Index Newspapers LLC v. U.S. Department of Homeland Security*, No. 20-35739 (9th Cir.) (opening brief due Oct. 14); *Cochran v. SEC*, No. 19-10396 (5th Cir.) (response to rehearing petition due Oct. 16, as extended); *USF Federal Credit Union v. Gateway Radiology* (11th Cir. 20-13462) (reply brief due Oct. 23, on expedited schedule); *Wirtgen v. United States*, No. 20-2145 (Fed. Cir.) (opening brief due Nov. 9, as extended); and *Sosa v. Saul*, No. 20-1780 (1st Cir.) (opening brief due Nov. 12, as extended).

4. Alisa Klein is a supervisor who will assist in the preparation of the federal government's response to the rehearing petition, but who has not previously had significant substantive responsibility for this case. Ms. Klein also has principal or supervisory responsibility for other briefs with impending deadlines, including: *Yale New Haven Hosp. v. Azar*, Nos. 20-2115, 20-2151 (2d Cir.) (opening brief due Oct. 14); *Community Health Choice v. United States*, Nos. 19-1633, 19-2102 (Fed. Cir.) (response to en banc petitions due Oct. 16); *ASSE Int'l, Inc. v. Pompeo*, No. 18-55979 (9th Cir.) (reply in support of remand motion due Oct. 19); *Washington v. Azar*, No. 20-35521 (9th Cir.) (reply brief due Nov. 4); *Planned Parenthood v. Azar*, No. 20-2006 (4th Cir.) (opening brief due Nov. 9).

5. Plaintiffs do not oppose this extension request.

Respectfully submitted,

MARK B. STERN

/s/ Alisa B. Klein

ALISA B. KLEIN

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OCTOBER 2020

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 415 words, according to the count of Microsoft Word.

/s/ Alisa B. Klein

Alisa B. Klein

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2020, I electronically filed the foregoing motion with the U.S. Court of Appeals for the Fifth Circuit using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein

Alisa B. Klein