

No. 25-2180

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

RODNEY PIERCE and MOSES MATHEWS,
Plaintiffs-Appellants,

v.

NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,
Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of North Carolina
Hon. James C. Dever III, No. 23-cv-193-D

**PLAINTIFFS-APPELLANTS' UNOPPOSED MOTION TO
EXTEND THE TIME TO FILE THE OPENING BRIEF
AND APPENDIX**

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UNOPPOSED MOTION TO EXTEND THE TIME TO FILE THE OPENING BRIEF AND APPENDIX

Pursuant to Federal Rule of Appellate Procedure 26(b), Appellants respectfully move this Court for an order to extend the deadline to file an opening brief and joint appendix by seven days, up to and including February 9, 2026. Good cause exists for the request. In support of this motion, counsel for Appellants state as follows:

1. On December 22, 2025, the Court entered a briefing order setting February 2, 2026, as the deadline for Appellant's opening brief and joint appendix.

2. On January 23, 2026, consistent with Local Rule 32(b), Appellants moved for leave to exceed the word count in their opening brief.

3. On January 26 and January 27, 2026, the Fourth Circuit's Powell Courthouse closed due to inclement weather.

4. As of the time of filing this motion on January 29, 2026, Appellants' motion to exceed the word limit had not been ruled upon.

5. In order to permit the Court time to rule on Appellants' motion to exceed the word limit, and to allow Appellants sufficient time to adjust the length of their brief based on the ruling on the motion,

Appellants respectfully request a seven-day extension of time to file their opening brief and appendix, up to and including February 9, 2026.

6. All Appellees have consented to the motion.

WHEREFORE, Appellants respectfully request that this Court extend the deadline to file an opening brief and joint appendix by seven days, up to and including February 9, 2026.

Dated: January 29, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was filed electronically on January 29, 2026, and will, therefore, be served electronically upon all counsel.

s/ Elisabeth S. Theodore

Elisabeth S. Theodore

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), the undersigned counsel for Appellants certifies that:

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 255 words, excluding the parts exempted by Fed. R. App. P. 32(f).

2. This petition complies with the typeface requirements of Fed. R. App. P. 32(a) because it has been prepared using Microsoft Office Word and is set in Century Schoolbook font in a size equivalent to 14 points or larger.

s/ Elisabeth S. Theodore

Elisabeth S. Theodore