

No. 25-2180

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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RODNEY PIERCE and MOSES MATHEWS,  
Plaintiffs-Appellants,

v.

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

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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

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

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**SECOND 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 eight days, up to and including February 17, 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 Appellants' 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. On January 29, 2026, Appellants filed an unopposed motion for a seven-day extension of time to file their opening brief because their motion to exceed the word limit had not yet been ruled upon. The Court granted the motion the same day, setting Appellants' deadline to file their opening brief on February 9, 2026.

5. As of the time of this motion, on February 5, 2026, Appellants' motion to exceed the word limit has not yet been ruled upon.

6. 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 an eight-day extension of time to file their opening brief and appendix, up to and including February 17, 2026.

7. An eight-day, rather than seven-day, extension of time is appropriate because a seven-day extension would set the deadline on Monday, February 16, which is a federal holiday.

8. 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 eight days, up to and including February 17, 2026.

Dated: February 5, 2026

Respectfully submitted,

s/ Elisabeth S. Theodore

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was filed electronically on February 5, 2026, and will, therefore, be served electronically upon all counsel.

*s/ Elisabeth S. Theodore*

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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 339 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*

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Elisabeth S. Theodore