

No. 23-40582

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

HONORABLE TERRY PETTEWAY; HONORABLE DERRICK ROSE;
HONORABLE PENNY POPE,

Plaintiffs-Appellees

v.

GALVESTON COUNTY, TEXAS; MARK HENRY, in his official capacity as
Galveston County Judge; DWIGHT D. SULLIVAN, in his official capacity as
Galveston County Clerk,

Defendants-Appellants

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GALVESTON COUNTY, TEXAS; GALVESTON COUNTY
COMMISSIONERS COURT; MARK HENRY, in his official capacity as
Galveston County Judge,

Defendants-Appellants

DICKINSON BAY AREA BRANCH NAACP; GALVESTON BRANCH
NAACP; MAINLAND BRANCH NAACP; GALVESTON LULAC COUNCIL
151; EDNA COURVILLE; JOE A. COMPIAN; LEON PHILLIPS,

Plaintiffs-Appellees

v.

GALVESTON COUNTY, TEXAS; MARK HENRY, in his official capacity as
Galveston County Judge; DWIGHT D. SULLIVAN, in his official capacity as
Galveston County Clerk,

Defendants-Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

APPELLEES' JOINT UNOPPOSED MOTION FOR EXTENSION OF TIME

Under Federal Rules of Appellate Procedure 26(b) and 27 and Fifth Circuit Rule 31.4, appellees jointly request an extension of seven days to file their supplemental en banc briefs. Counsel for appellants has stated that they do not oppose the extension.

1. On November 28, 2023, this Court ordered en banc rehearing and set a schedule for supplemental en banc briefs. The schedule made appellants' brief due on January 8, 2024, and appellees' briefs due on February 7, 2024. This allowed appellees 30 days to complete their briefs after receiving appellants' brief.

2. On January 2, 2024, appellants sought a seven-day extension, which the Court (through Chief Judge Richman) granted the next day. That made appellants' brief due on January 15. With appellees' deadline unaltered, appellees will have 23 days to complete their briefs after receiving appellants' brief.

3. A seven-day extension for appellees would restore the 30 days that the Court's schedule originally provided. In addition, with more time to prepare briefs, appellees will be better able to assist the Court's deliberation of the important issues at stake in this en banc proceeding.

4. Because the Court has calendared oral argument for the week of May 13, 2024, the requested extension will not delay proceedings in this case.

Accordingly, appellees respectfully request a seven-day extension of the deadline for their supplemental en banc briefs, to February 14, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On January 18, 2024 I filed this motion with the Clerk of the Court by using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

s/ Matthew N. Drecun
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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2) because it contains 229 words, excluding the parts exempted by Federal Rule of Appellate Procedure 32(f). This motion also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (6) because it was prepared in Times New Roman 14-point font using Microsoft Word for Microsoft 365.

s/ Matthew N. Drecun
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Date: January 18, 2024