

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am:  The party requesting the extension.  
 Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- Brief (*you must also complete the Declaration on page 3*)
- Motion to proceed in forma pauperis
- Motion for a certificate of appealability
- Response/opposition to a pending motion
- Reply to a response/opposition to a pending motion
- Certified Administrative Record
- Response to court order dated
- Other (*you must describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):  
(attach additional pages if necessary)

Please see attached pages.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)

**Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)**  
*Complete this section if you are requesting an extension of time to file a brief.*

1. I request an extension of time to file the  brief.

*(Examples: opening, answering, reply, first cross-appeal)*

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

5. The position of the other party/parties regarding this request is:

Unopposed.

Opposed by *(name of party/parties opposing this motion)*:

Unknown. I am unable to verify the position of the other party/parties because:

6.  The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7.  I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

**Signature**

**Date**

*(use "s/[typed name]" to sign electronically-filed documents)*

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## STATEMENT OF GOOD CAUSE FOR AN EXTENSION OF TIME

1. In this action, plaintiffs challenge the State Department's interpretation of statutory provisions conferring citizenship on certain children born overseas. The State Department interprets those provisions to require a biological relationship between the child and a U.S. citizen parent or parents. The district court rejected the State Department's interpretation and required the Department to issue a passport to the plaintiff child. The Department has complied with that order.

2. The legal issues presented by this case are complex, and the preparation of the government's brief will require consulting multiple stakeholders within the State Department and within other government agencies and components. That process (and competing demands on the agency employees) will make it impracticable to prepare the government's brief by the current deadline or with only a 30-day extension.

3. Finally, an extension is warranted because counsel are occupied with other pressing matters. Daniel Winik, who has primary responsibility for preparing the government's brief, is also responsible for preparing the government's brief in *Viola v. DOJ*, 3d Cir. No. 18-2573 (due on September 13, 2019 after a 30-day extension). Mr. Winik joined the Department of Justice and began working on this case only in July 2019.

4. H. Thomas Byron III, who has supervisory responsibility in this case, is principally responsible for preparing the government's supplemental brief in *New York Times v. DOJ*, 2d Cir. No. 17-2066 (due on August 9, 2019), and also has supervisory

responsibility for the government's briefs and oral arguments in the following cases: *Sierra Club v. Trump*, 9th Cir. Nos. 19-16102, et al. (opening brief filed July 31, 2019; motion to expedite pending, with response-reply brief expected to be due August 30, 2019); *Rivera-Ramirez v. United States*, 9th Cir. No. 18-56665 (response brief due Sept. 9, 2019); *BMWED v. FRA*, D.C. Cir. No. 19-1048 (argument scheduled for Sept. 12, 2019); *NTEU v. FLRA*, D.C. Cir. No. 18-1239 (argument scheduled for Sept. 23, 2019); *Reid v. United States*, 9th Cir. No. 18-16042 (response brief due Sept. 25, 2019); *NIJC v. DOJ*, 7th Cir. No. 19-2088 (response brief due Oct. 5, 2019); and *Hall & Assoc. v. EPA*, D.C. Cir. No. 18-5241 (argument scheduled for Oct. 10, 2019). Mr. Byron will also be on previously scheduled leave and traveling from August 12-23, 2019.