

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

DANA ALIX ZZYYM,

Plaintiff,

v.

ANTONY J. BLINKEN, *in his official capacity as Secretary of State*,¹ and
RACHEL B. CRAWFORD, *in her official capacity as Director of the Colorado Passport Agency of the U.S. Department of State*,²

Defendants.

Civil Action No. 15-2362-RBJ

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RECONSIDER PLAINTIFF'S PASSPORT APPLICATION**

On May 12, 2020, the United States Court of Appeals for the Tenth Circuit issued an opinion that “vacate[d] the district court’s entry of judgment for Zzyym and the court’s issuance of a permanent injunction against enforcement of the binary sex policy as to Zzyym and remand[ed] with instructions to vacate the State Department’s decision and reconsider Zzyym’s application for an intersex passport.” ECF No. 111-1 at 41. Following that decision, the parties filed a joint status report that proposed a schedule for reconsidering Plaintiff’s passport application, ECF No. 114, which the Court approved on August 7, 2020, ECF No. 115. Because Plaintiff submitted numerous supplementary materials, the Defendants requested an extension of time to reconsider Plaintiff’s application, which was unopposed. ECF No. 116. The Court granted that

¹ Antony J. Blinken became Secretary of State on January 26, 2021 and is automatically substituted as defendant for Daniel B. Smith under Federal Rule of Civil Procedure 25(d).

² Rachel B. Crawford became Director of the Colorado Passport Agency in September 2019 and is automatically substituted as defendant for Steven J. Mullen under Federal Rule of Civil Procedure 25(d),

request, extending the deadline to reconsider Plaintiff's application until May 4, 2021. ECF No. 117.³

Recently, however, the parties have agreed to begin settlement discussions. To avoid cutting these discussions short by the upcoming reconsideration deadline, the parties have agreed that a thirty day extension to reconsider Plaintiff's application is appropriate (i.e., until June 3, 2021). Accordingly, Defendants file this unopposed motion to extend time to reconsider Plaintiff's application until June 3, 2021. Although for a different reason, this is the second request for an extension of time to reconsider Plaintiff's application.

Dated: April 22, 2021

Respectfully submitted,

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³ There was a typo in Defendants' first motion for an extension of time: 120 days from January 4, 2021 is May 4, 2021, not May 24, 2021.