

No. 21-2875

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

DYLAN BRANDT, et al.,
Plaintiffs-Appellees,

v.

LESLIE RUTLEDGE,
in her official capacity as the Arkansas Attorney General, et al.,
Defendants-Appellants.

On Appeal from the United States District Court for the
Eastern District of Arkansas
No. 4:21-CV-00450 JM (Hon. James M. Moody, Jr.)

**Defendants-Appellants' Unopposed Motion for
Extension of Time to File Petition for Rehearing**

Defendants-Appellants respectfully request a 14-day extension of the time to file a petition for en banc review. Plaintiffs-Appellees do not oppose this request.

Appellants previously sought and received a 14-day extension of their deadline to file a petition for en banc review, making the current deadline September 22, 2022. Other conflicting obligations on the part of Appellants' counsel have arisen in the meantime which justify a further extension. This includes an election matter before this Court which is proceeding on an emergency briefing schedule. Undersigned counsel have been responsible for two emergency filings in that case, the second of which is a reply (due on September 21) to a response (filed on September 20). Counsel for Appellants are also preparing to present oral argument on

behalf of a coalition of 30 States before the United States Supreme Court on October 3; preparing for trial in this case before the district court; multiple ongoing election matters in federal and state court; and supervising the preparation of briefs in state and lower federal courts.

Because of those other professional obligations, a further 14-day extension of the filing deadline—up to and including October 6, 2022—would materially assist Appellants in preparing their petition for en banc review. Counsel for Appellants have conferred with counsel for Appellees, who have indicated that Appellees do not oppose the extension requested in this motion.

Therefore, Appellants respectfully request that the Court grant this unopposed motion for a 14-day extension of the filing deadline for a petition for en banc review.

Respectfully submitted,

LESLIE RUTLEDGE
Arkansas Attorney General

NICHOLAS J. BRONNI
Arkansas Solicitor General

DYLAN L. JACOBS
Deputy Solicitor General

MICHAEL A. CANTRELL
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CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 256 words, excluding the parts exempted by Fed. R. App. P. 32(f).

Pursuant to Fed. R. App. P. 27(d)(1)(E), I also certify that this motion complies with the requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a 14-point Times New Roman, a proportionally spaced typeface, using Microsoft Word.

I further certify that this PDF file was scanned for viruses, and no viruses were found on the file.

/s/ Dylan L. Jacobs

Dylan L. Jacobs

CERTIFICATE OF SERVICE

I certify that on September 20, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ Dylan L. Jacobs

Dylan L. Jacobs