

FREDRIC RUSSELL MANCE, JR;
TRACEY AMBEAU HANSON;
ANDREW HANSON; CITIZENS
COMMITTEE FOR THE
RIGHT TO KEEP AND BEAR ARMS,

Plaintiffs-Appellees,

v.

LORETTA LYNCH, U.S. ATTORNEY
GENERAL; THOMAS E. BRANDON,
Acting Director, Bureau of Alcohol,
Tobacco, Firearms & Explosives,

Defendants-Appellants.

Pursuant to Federal Rule of Appellate Procedure 27 and Fifth Circuit Rule 31.4, appellants Loretta Lynch, U.S. Attorney General, and Thomas E. Brandon, Acting Director of the Bureau of Alcohol, Tobacco, Firearms & Explosives, respectfully request a 28-day extension of time to and including October 1, 2015, in which to file appellants' reply brief in this case. This motion is unopposed.

1. In accordance with this Court’s briefing notice, appellants filed their opening brief on July 13, 2015. On July 20, 2015, amicus briefs in support of

appellants were filed by the Brady Center to Prevent Gun Violence and the Law Center to Prevent Gun Violence. On August 17, 2015, appellees filed their response brief. Counsel for the National Rifle Association and the National Shooting Sports Foundation, Inc., have indicated that each group intends to file an amicus brief in support of appellees, which is due on August 24, 2015. Appellants' reply brief is currently due September 3, 2015. Appellants have not previously sought an extension of their briefing time.

2. There is good cause for the requested extension. The district court in this case held unconstitutional federal laws requiring that handguns must be purchased through a federal firearms dealer in the purchaser's state of residence. 18 U.S.C. § 922(a)(3), (b)(3); 27 C.F.R. § 478.99(a). Appellants anticipate the filing of two amicus briefs in support of appellees on August 24, 2015. The requested extension is necessary to ensure adequate time to review appellee's brief and supporting amicus briefs, to consult with relevant governmental entities, and to draft the government's reply brief.

The attorney primarily responsible for handling this matter is the undersigned counsel, Tara Morrissey, of the United States Department of Justice, Civil Division, Appellate Staff, in Washington, D.C. Ms. Morrissey has been engaged in various internal appellate matters that have required substantial time. In addition, if the Solicitor General authorizes amicus participation in *United States ex rel. Donegan v. Anesthesia Associates of Kansas City*, No. 15-2420 (8th Cir.), Ms. Morrissey will have

primary responsibility for drafting the amicus brief, which is due September 16, 2015, as extended.

Mark Stern, an attorney with review responsibility over this case, has several upcoming deadlines, including in *East Texas Baptist University v. Burwell*, No. 14-20112 (5th Cir.) (court-ordered response to en banc petition due Aug. 31, as extended); *Dunlap v. United States*, No. 12-17138 (9th Cir.) (response to motion dismiss due Aug. 31); *Compassion Over Killing v. FDA*, No. 15-15107 (9th Cir.) (response brief due Sept. 8, as extended); *Suarez v. Attorney General*, Nos. 15-1975, 15-1976 (3d Cir.) (reply/response brief due Sept. 10); *Beck v. McDonald* and *Watson v. McDonald*, Nos. 15-1395, 15-1715 (4th Cir.) (response brief due Sept. 11); and *Tuana v. United States*, No. 13-5272 (D.C. Cir.) (opposition to petition for rehearing en banc due Sept. 13, as extended).

Michael Raab, an attorney with review responsibility over this case, has had several upcoming deadlines, including in *Southwest Airlines Co. v. Department of Transportation*, No. 15-1036 (D.C. Cir.) (response brief filed Aug. 21); *Sikeelee v. Precision Air Motive*, No. 14-4193 (3d Cir.) (amicus brief due Aug. 31, as extended); *Suarez v. Attorney General*, Nos. 15-1975, 15-1976 (3d Cir.) (reply/response brief due Sept. 10); *National Federation for the Blind v. Department of Transportation*, Nos. 15-1026, 15-5078 (D.C. Cir.) (response brief due Sept. 18, as extended); *Equity Trust. Co. v. Curtis*, No. 15-60355 (5th Cir.) (response brief due Sept. 18, as extended); and

International Rehabilitative Sciences Inc. v. Leavitt, No. 15-35196 (9th Cir.) (response brief due Sept. 21, as extended).

3. Appellants have contacted Alan Gura, counsel for appellees, who stated that appellees consent to the requested extension.

CONCLUSION

For the foregoing reasons, appellants respectfully move that the time for filing appellants' reply brief be extended by 28 days, to and including October 1, 2015.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2015, I filed the foregoing Motion by causing a digital version to be filed electronically via the ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Tara S. Morrissey

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Counsel for Appellants