

[NOT SCHEDULED FOR ORAL ARGUMENT]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

ANGE SAMMA, *et al.*,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF
DEFENSE, *et al.*,

Defendants-Appellants,

No. 20-5320

**UNOPPOSED MOTION FOR 30-DAY EXTENSION
OF TIME TO FILE OPENING BRIEF**

Pursuant to Federal Rule of Appellate Procedure 26(b) and D.C. Circuit Rule 28(e), the government respectfully moves for a 30-day extension of time, to and including March 3, 2021, in which to file its opening brief. Plaintiffs-appellees do not oppose this motion.

1. Noncitizens who have “served honorably” in the United States military and who meet certain other requirements are eligible to apply for naturalization on an expedited timeframe. *See* 8 U.S.C. § 1440. In this case, plaintiffs-appellees, who are a group of noncitizen servicemembers, challenge a policy promulgated by the Department of Defense that, as relevant to this case, imposes minimum time-in-

service requirements that such servicemembers must meet before the military will certify that they “served honorably” for purposes of section 1440. The district court granted summary judgment to plaintiffs and entered an order vacating the policy and enjoining the Department of Defense from enforcing those time-in-service requirements. The government filed a notice of appeal on October 23, 2020.

2. Under this Court’s order of December 22, 2020, the government’s opening brief is currently due by February 1, 2021. The government respectfully requests that this deadline be extended by thirty days, to and including March 3, 2021.

This additional time is necessary to allow the government adequate time to prepare and review its brief. The attorney with principal responsibility for this matter is Sean Janda. Mr. Janda has recently been occupied with other pressing matters, including *U.S. WeChat Users Alliance v. United States*, No. 20-16908 (9th Cir.) (reply brief filed December 22, 2020; oral argument held January 14, 2021; supplemental brief due February 16, 2021); *Blomgren v. Federal Aviation Admin.*, No. 20-72351 (mediation scheduled for January 27, 2021); and a number of additional matters with pressing internal deadlines. In addition, the attorney with principal supervisory responsibility for this matter is Sharon Swingle. Ms. Swingle also has supervisory responsibilities on a number of other appellate matters, including *State of Washington v. U.S. Department of State*, No. 20-35391 (9th Cir.) (oral argument held January 11, 2021); and *Judicial Watch, Inc. v. U.S. Department of Justice*, No. 20-5304 (D.C. Cir.) (response

brief due February 24, 2021), and presented oral argument in *Knight First Amendment Inst. v. CIA*, No. 20-5045 (D.C. Cir.) (oral argument held January 12, 2021). Additional time is also necessary to allow the government adequate time to consult with the Office of the Solicitor General and the U.S. Department of Defense.

3. Plaintiffs' counsel has indicated that plaintiffs do not oppose this request.

CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court grant the motion for a thirty-day extension of time, to and including March 3, 2021, in which to file the government's opening brief.

Respectfully submitted,

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s/ Sean Janda

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 448 words, according to the count of Microsoft Word.

/s/ Sean Janda

Sean Janda