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Via E-File

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

**Re: *Texas Democratic Party, et al. v. Greg Abbott, Governor of Texas, et al.*,
No. 19-1389**

Dear Mr. Harris:

In accordance with Supreme Court Rule 30.4 and the Court's Order of March 19, 2020, Respondents Greg Abbott, Governor of Texas; Ken Paxton, Attorney General of Texas; and Ruth Hughs, Texas Secretary of State, respectfully request an extension of the time for filing their response to the petition for a writ of certiorari in this matter.

Petitioners filed their petition for a writ of certiorari before judgment on June 16, 2020, following the Fifth Circuit's decision to stay the district court's temporary injunction pending appeal. *Tex. Democratic Party v. Abbott*, 961 F.3d 389 (5th Cir. 2020). On June 26, this Court denied a concurrently filed application to lift that stay. *Tex. Democratic Party v. Abbott*, 140 S. Ct. 2015 (2020). Respondents waived their right to respond to the petition on July 19, 2020. On September 22, this Court requested the Respondents file a response to the petition by October 22, 2020. Respondents now request a 30-day extension of that deadline, creating a new filing date of November 23, 2020.¹

¹ Thirty days from October 22 is November 21, which is a Saturday; thus, the operative deadline would be Monday, November 23.

This extension is necessary to allow undersigned counsel to prepare a thorough and helpful response. The Fifth Circuit has now determined that the district court's injunction is unlawful and remanded the case for further proceedings, meaning that any review by this Court will be of an opinion that was not the subject of the petition. *Tex. Democratic Party v. Abbott*, 20-50407, 2020 WL 5422917, at *1 (5th Cir. Sept. 10, 2020). Moreover, the Fifth Circuit recently granted Secretary Hughs an extension through October 8 to file a petition for rehearing en banc as to the denial of sovereign immunity.

An extension is further appropriate to accommodate undersigned counsel's preexisting obligations, many of which involve COVID-19-related litigation against the State of Texas and its officials. Undersigned counsel has further been dealing with numerous emergency and expedited election-related cases, including in *Lewis v. Hughs*, No. 20-50654 (5th Cir.) (petition for rehearing en banc filed September 8, 2020; reply filed September 18; awaiting decision and possible further briefing); *Richardson v. Hughs*, No. 20-50774 (5th Cir.) (application for stay filed September 11, 2020; reply filed September 15; merits briefing deadlines pending); and *Texas v. Hollins*, No. 20-0729 (Tex.) (emergency opening brief filed September 22; reply due September 28; oral argument September 30).

These emergency cases are in addition to longstanding oral argument obligations both in this Court and the Supreme Court of Texas, including:

- *Texas v. New Mexico*, Orig. 65 (U.S.) (oral argument October 5, 2020);
- *In re Academy Sports + Outdoors*, No. 19-0497 (Tex.) (oral argument October 6, 2020);
- *In re Brown*, 19-0877 (Tex.) (oral argument October 29, 2020); and
- *California v. Texas*, No. 18-840 (U.S.) (oral argument November 10, 2020).

Petitioners will not be prejudiced by this request. While Petitioners' letter of September 18, 2020 alludes to a desire to have this matter resolved expeditiously, the requested extension would still allow the Court to resolve this case during its current Term should it grant the petition. And the Court has already determined, in its July 2 Order, that it will not expedite consideration of this petition.

For the foregoing reasons, Respondents respectfully request a 30-day extension of the deadline to file their response to the petition for a writ of certiorari, creating a new deadline of November 23, 2020.

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Respectfully submitted.

/s/ Kyle D. Hawkins

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cc: Chad Dunn (via e-mail)