

# Vinson & Elkins

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January 7, 2022

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

Re: *McDonald v. Firth*, No. 21-800

Dear Mr. Harris:

On December 20, 2021, the Court requested a response to the petition for a writ of certiorari in the above-captioned matter. The current deadline for the response is January 19, 2022.

On behalf of all of the respondents, I respectfully request, under Rule 30.4 of the rules of this Court, an extension of time of 19 days, to and including February 7, 2022, within which to prepare and file the response. In accordance with Rule 37.2(a), several entities and persons have notified the respondents that they intend to file *amicus curiae* briefs in support of the certiorari petition in this matter. The prospective *amici* include the Americans for Prosperity Foundation, the Pacific Legal Foundation, the Liberty Justice Center, the Buckeye Institute, the Protect the First Foundation, Texas Attorney General Ken Paxton, and the Freedom Foundation. Under Rule 37.2(a), the deadline for *amicus* briefs supporting the petitioners is January 19, 2022, the same day that the respondents' response to the certiorari petition is currently due. The respondents' requested extension of the deadline for their response is warranted so that the respondents will have an opportunity to address the *amicus* briefs in their response. See Stephen M. Shapiro, *Supreme Court Practice* § 6.37(c), at 6-141 (11th ed. 2019) ("The 2007 revision to Rule 37.2(a) suggests that the Clerk will routinely grant extensions in order to enable a respondent to address in its opposition the arguments of an amicus in support of petitioner."). The requested extension will also bring the deadline for the respondents' response here in line with the February 7, 2022 deadline for the response to the related conditional cross-petition for a writ of certiorari in *Firth v. McDonald*, No. 21-974.

I am authorized to represent that the petitioners do not oppose the respondents' requested extension.

Sincerely,

/s/ Thomas S. Leatherbury

Thomas S. Leatherbury  
*Counsel for Respondents*

cc: Jeffrey Matthew Harris, Counsel for Petitioners (by email pursuant to Mr. Harris' consent to electronic service)