

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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MATTHEW J. PLATKIN, ACTING ATTORNEY GENERAL OF NEW JERSEY,  
IN HIS OFFICIAL CAPACITY, *Petitioner*,

v.

DEFENSE DISTRIBUTED, SECOND AMENDMENT FOUNDATION,  
INCORPORATED, *Respondents*.

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APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF  
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH  
CIRCUIT

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**To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the  
United States and Circuit Justice for the Fifth Circuit:**

Pursuant to Rules 13.5 and 30.3 of the Rules of this Court, Applicant Matthew J. Platkin, Acting Attorney General of New Jersey, respectfully requests a 30-day extension of time, to and including August 26, 2022, in which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in this case. The court of appeals entered its judgment on April 1, 2022. *See Defense Distributed v. Bruck*, 30 F.4th 414 (5th Cir. 2022). The court denied Applicant's petition for rehearing en banc on April 28, 2022. Unless extended, the time within which to file a petition for a writ of certiorari will expire on July 27, 2022. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. This case presents an important and recurring question that goes to the heart of the federal courts' territorial limitations. Respondents brought this *Ex Parte Young* action against the New Jersey Attorney General in the Western District of Texas seeking to enjoin the enforcement of a New Jersey state law against a Texas-based company. On April 20, 2021, the Texas district

court granted the New Jersey Attorney General’s motion, under 28 U.S.C. § 1404(a), to transfer the case to the District of New Jersey, which docketed the case that same day and subsequently consolidated it with another pending suit in that court. After transfer was complete, Respondents appealed the underlying transfer order to the Fifth Circuit. Eleven months later, a divided Fifth Circuit issued a writ of mandamus to the Western District of Texas requiring the Texas district court to ask the District of New Jersey to return the case. The Fifth Circuit’s decision splits with the rule in other circuits that the courts of appeals lack jurisdiction to review a completed transfer to an out-of-circuit district court. See, e.g., *Chrysler Credit Corp. v. Country Chrysler, Inc.*, 928 F.2d 1509, 1516-17 (CA10 1991) (holding that once a case has been transferred to a district court in another circuit, the transferor circuit “loses all jurisdiction over the case, including the power to review the transfer”); *Miller v. Toyota Motor Corp.*, 554 F.3d 653, 655 (CA6 2009) (rejecting appeal of inter-circuit transfer on same basis that “physical transfer of the original papers in a case to a permissible transferee forum deprives the transferor circuit of jurisdiction”).

2. A 30-day extension to file a petition is warranted because of pressing deadlines in the undersigned’s other litigation matters. The undersigned and two other members of the litigation team delivered oral arguments in *Texas v. United States*, No. 21-40680 (5th Cir.) (July 6, 2022); *Mazo v. N.J. Secretary of State*, No. 21-2630 (3d Cir.) (July 6, 2022); and *N.J. Bankers Ass’n v. Attorney General*, No. 21-2352 (3d Cir.) (July 14, 2022). The undersigned also has deadlines in *Smith & Wesson v. Platkin*, No. 20-19047 (D.N.J.) (July 18, 2022); *Society House v. New Jersey*, No. 21-13123 (D.N.J.) (July 22, 2022); *Kendrick v. Platkin*, No. 21-c231 (D.N.J.) (July 22, 2022); *Ass’n of Rifle & Pistol Clubs v. Platkin*, No. 19-3142 (3d Cir.) (July 27, 2022); and *Fed. Law Enf’t Off. Ass’n v. Platkin*, No. 20-5762 (D.N.J.) (July 29, 2022). Finally, the undersigned is serving as

lead counsel in a matter before this Court, *New York v. New Jersey*, No. 22O156, with New Jersey's answer and motion for judgment on the pleadings due on August 22, 2022.

3. Counsel for Respondents has been advised this morning of this forthcoming request for an extension, but Applicant has not yet received a response regarding consent.

Accordingly, good cause exists for a 30-day extension and Applicant respectfully requests that the Court extend the time in which to file a petition for a writ of certiorari by thirty (30) days, to and including August 26, 2022.

Dated: July 15, 2022

Respectfully submitted,



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*\*Counsel of Record*