

No. 23-_____

**In the
Supreme Court of the United States**

BRONSON MCCLELLAND,

Petitioner,

versus

KATY INDEPENDENT SCHOOL DISTRICT; KENNETH GREGORSKI; JUSTIN
GRAHAM; HENRY GAW; ROBERT KEITH MEIER; KEN TABOR; STEPHANIE
FULGENCIO; KATY INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT;
KISD BOARD OF TRUSTEES; GARY JOSEPH; JOAN MCPHERSON; COURTNEY
DOYLE; ASHLEY VANN; ASHLY DARNELL; LESLIE HAACK; RICK HULL,

Respondents.

Application for Extension of Time Within Which to File a Petition for a
Writ of Certiorari to the United States Court of Appeals
for the Fifth Circuit

APPLICATION TO THE HONORABLE
JUSTICE SAMUEL ALITO AS CIRCUIT JUDGE
FOR THE FIFTH CIRCUIT

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APPLICATION FOR EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Bronson McClelland hereby requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Friday, September 15th, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *McClelland v. Katy Indep. Sch. Dist.*, 63 F.4th 996 (5th Cir. 2023) (Exh. 1). The order denying rehearing is attached (Exh. 2), and the district court decision is available at *McClelland v. Katy Indep. Sch. Dist.*, 2021 U.S. Dist. LEXIS 210190 (S.D. Tex. Nov. 21, 2021) (Exh. 3).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before August 16th, 2023. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING THE EXTENSION

Applicant respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Fifth Circuit Court of Appeals in this case, up to and including September 15th, 2023.

As recently as 2021, this Court reiterated the importance of “protect[ing] the superfluous in order to preserve the necessary,” especially in the school context where First Amendment protections are paramount, and parental rights must also be balanced. *Mahanoy Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038, 2047–48 (2021). Despite the Court’s clear pronouncement of these principles and the relevant standard, the Fifth Circuit chose to spurn this Court in favor of its own reasoning. The decision, as Petitioner will seek to show, runs counter to both this Court’s clear precedent, and to the other Circuits’ straightforward application of that precedent. *See, e.g., Cl. G v. Siegfried*, 38 F.4th 1270 (10th Cir. 2022). Moreover, it touches upon issues of municipal liability and due process that will require equally careful attention. *See, e.g., Pembaur v. City of Cincinnati*, 475 U.S. 469 (1986).

Given the complexity and importance of the legal issues at hand, an extension of time will allow counsel to properly analyze the reasoning for the divergent decisions in various courts and thereby present a thorough and coherent petition. The extension of time is also necessary because of other pressing client business. Petitioner’s counsel Randall Kallinen and his associate Alex Johnson are also managing past and upcoming deadlines and other litigation activities in numerous cases, including:

Assisting in the preparation for a Petition for Writ of Certiorari in this Court and a Reply in *Sosa v. Martin County*, No. 22-1145; Preparing for, traveling to,

and delivering oral argument before the Fifth Circuit in *Sligh v. City of Conroe*, No. 22-40518; Drafting a Response Brief for the Fifth Circuit in *Lewis v. Inocencio*, No. 23-20098; Drafting a Reply Brief for the Fifth Circuit in *Matthews v. Green*, No. 23-10178; Drafting dispositive motion responses, complaint amendments, and other time-sensitive litigation documents in several cases in the Southern District of Texas, including *Rodriguez v. Harris County*, No. 4:22-cv-1282; *Picone v. Ancira*, No. 4:23-cv-1206; and *Eubanks v. Ms. Bishop*, No. 4:21-cv-1879, among others; And preparing for and participating in the mediation of *Vardeman v. City Of Houston*, No. 4:20-cv-03242.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an additional extension of 30 days, up to and including September 15th, 2023, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

/s/ Randall Kallinen

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July 14th, 2023