

IN THE SUPREME COURT OF THE UNITED STATES

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No. 24-539

KALEY CHILES, PETITIONER

v.

PATTY SALAZAR, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF  
THE COLORADO DEPARTMENT OF REGULATORY AGENCIES, ET AL.

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ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE  
AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting petitioner and requests that the United States be allowed ten minutes of argument time. Petitioner consents to this motion and has agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion is granted, the argument time would be divided as follows: 20 minutes for petitioner, 10 minutes for the United States, and 30 minutes for respondents.

This case concerns whether and under what circumstances a general regulation of professional conduct that restricts what a

professional can say to her clients violates the First Amendment's Free Speech Clause. Colorado's Minor Conversion Therapy Law (MCTL) prohibits mental-health professionals such as petitioner from engaging in "any practice or treatment" that "attempts or purports to change" a minor's "sexual orientation or gender identity." Colo. Rev. Stat. § 12-245-202.(3.5) (a) (2024); id. § 12-245-224(1)(t)(V). The United States has filed a brief as amicus curiae supporting petitioner, contending that as applied to petitioner's practice of talk therapy, the MCTL is a content-based speech regulation subject to strict scrutiny under the First Amendment.

The United States has significant interests in this case. As a general matter, the United States has a substantial interest in the preservation of the federal constitutional right of free expression. In addition, the United States has a substantial interest in ensuring its own ability and the ability of state and local governments to regulate conduct, notwithstanding incidental burdens on speech.

The United States has frequently presented oral argument as amicus curiae in cases involving the Free Speech Clause, including free-speech challenges to state regulations in the field of healthcare. See, e.g., 303 Creative LLC v. Elenis, 600 U.S. 570 (2023); City of Austin v. Reagan Nat'l Adver. of Austin, LLC, 596 U.S. 61 (2022); National Inst. of Family & Life Advocates v.

Becerra, 585 U.S. 755 (2018); Sorrell v. IMS Health Inc., 564 U.S. 552 (2011). We therefore believe that participation by the United States in oral argument in this case would be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

JUNE 2025