

IN THE
Supreme Court of the United States

LEILA GREEN LITTLE, ET AL.,

Applicants,

v.

LLANO COUNTY, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT
OF CERTIORARI

KATHERINE P. CHIARELLO
BOTKIN CHIARELLO CALAF
1209 Nueces St.
Austin, TX 78701
(512) 615-2341
katherine@bccAustin.com

ELLEN LEONIDA
SIDEMAN & BANCROFT
1 Embarcadero Ctr., Fl. 22
San Francisco, CA 94111
(415) 392-1960
eleonida@sideman.com

EPHRAIM A. MCDOWELL
Counsel of Record
ALEXANDER J. KASNER
ELIAS S. KIM
COOLEY LLP
1299 Pennsylvania Ave., N.W.
Suite 700
Washington, DC 20004
(202) 842-7800
emcdowell@cooley.com

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT
OF CERTIORARI**

To: Justice Samuel A. Alito, Jr., Circuit Justice for the Fifth Circuit:

Pursuant to this Court's Rules 13.5 and 22, Applicants Leila Green Little, Jeanne Puryear, Kathy Kennedy, Rebecca Jones, Richard Day, Cynthia Waring, and Diane Moster request an extension of thirty (30) days to file a petition for a writ of certiorari in this case. Their forthcoming petition will seek review of the Fifth Circuit's decision in *Little v. Llano County*, 138 F.4th 834 (5th Cir. 2025), in which the *en banc* court of appeals reversed the district court's grant of Applicants' motion for a preliminary injunction and dismissed Applicants' First Amendment claims. A copy of the Fifth Circuit's decision is attached. *See* App. 1-97. This application is supported by the following reasons:

1. The Fifth Circuit issued its decision on May 23, 2025. Without an extension, the petition for a writ of certiorari would be due on August 21, 2025. With the requested extension, the petition would be due on September 22, 2025. This Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1).

2. This case presents a question of exceptional importance over which the circuits are divided: whether a public library's decision to remove certain books because they supposedly espouse "inappropriate" views is subject to judicial scrutiny under the Free Speech Clause of the First Amendment. This Court has recognized that when the government funds or facilitates private speech, it "may not discriminate based on the viewpoint of private persons whose speech it facilitates." *Rosenberger v. Rectors and*

Visitors of University of Virginia, 515 U.S. 819, 834 (1995). Nonetheless, the Fifth Circuit held that public libraries are free to discriminate based on viewpoint by removing books espousing ideas with which they disagree.

3. The Fifth Circuit’s resolution of the question presented conflicts with decisions of other circuits. A majority of the *en banc* Fifth Circuit held that there is no “right to receive information” from a public library. App. 13. The Third and Sixth Circuits have held the opposite, reasoning that the First Amendment protects “access to a public library, the quintessential locus of the receipt of information.” *Kreimer v. Bureau of Police for Town of Morristown*, 958 F.2d 1242, 1255 (3d Cir. 1992); see *Neinast v. Board of Trustees of Columbus Metropolitan Library*, 346 F.3d 585, 591 (6th Cir. 2003). In addition, seven judges in the *en banc* majority concluded that a “public library’s collection decisions are government speech.” App. 28. By contrast, the Eighth Circuit has rejected the “exten[sion of] the government speech doctrine to the placement and removal of books in public school libraries.” *GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 667 (8th Cir. 2024). Only this Court can resolve these divisions of authority over the Free Speech Clause’s application to public libraries.

4. The Court regularly grants certiorari to resolve circuit conflicts over the application of the Free Speech Clause to government programs or official actions. See, e.g., *Free Speech Coalition, Inc. v. Paxton*, 145 S. Ct. 2291 (2025); *Lindke v. Freed*, 601 U.S. 187 (2024); *Shurtleff v. City of Boston*, 569 U.S. 243 (2022); *Americans for Prosperity v. Bonta*, 594

U.S. 595 (2021). And uncertainties about the application of the government speech doctrine have frequently required this Court's intervention. *See, e.g., Shurtleff*, 569 U.S. at 251; *Walker v. Texas Div., Sons of Confederate Veterans*, 576 U.S. 200 (2015); *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009). Especially given the importance of public libraries to facilitating the spread of ideas and fostering civic engagement, the question presented here warrants the Court's intervention.

5. The application for a 30-day extension is necessary because Applicants have only recently affiliated undersigned counsel at Cooley LLP. The extension is needed for new counsel to fully familiarize themselves with the record, decision below, and relevant case law, and to allow counsel adequate time to prepare the petition for certiorari. The press of other business and deadlines means these tasks will take several weeks.

6. For these reasons, Applicants request that the due date for their petition for a writ of certiorari be extended to September 22, 2025.

Respectfully submitted,

KATHERINE P. CHIARELLO
BOTKIN CHIARELLO CALAF
1209 Nueces St.
Austin, TX 78701
(512) 615-2341
katherine@bcccaustin.com

ELLEN LEONIDA
SIDEMAN & BANCROFT
1 Embarcadero Ctr., Fl. 22
San Francisco, CA 94111
(415) 392-1960

By: /s/ Ephraim A. McDowell
EPHRAIM A. MCDOWELL
Counsel of Record
ALEXANDER J. KASNER
ELIAS S. KIM
COOLEY LLP
1299 Pennsylvania Ave., N.W.
Suite 700
Washington, DC 20004
(202) 842-7800
emcdowell@cooley.com

eleonida@sideman.com

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