

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

IN THE  
**Supreme Court of the United States**

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THOMAS CROWTHER,

Applicant,

v.

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA,

Respondent.

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

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**APPLICATION FOR EXTENSION OF TIME  
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To: Honorable Associate Justice Clarence Thomas, Circuit Justice for  
the United States Court of Appeals for the Eleventh Circuit:

Under this Court’s Rules 13.5 and 22, Applicant Thomas Crowther (“Applicant”) respectfully requests an extension of thirty (30) days to file a petition for a writ of certiorari. The petition will seek review of the decision of the Eleventh Circuit in *Crowther v. Board of Regents*, 121 F.4th 855 (11th Cir. 2024), a copy of which is attached to this application. In support of this application, Applicant states the following:

1. The Eleventh Circuit issued a published opinion on November 7, 2024, in which it held that Title IX does not provide an implied right of action for sex discrimination in employment. *Id.* at 864. The Eleventh Circuit acknowledged that Title IX provides implied rights of action for students who complain of sex discrimination by schools that receive federal funds, and for employees who complain of retaliation for a complaint about sex discrimination against students. *Id.* at 866 (citing *Cannon v. Univ. of Chicago*, 441 U.S. 677 (1979); *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167 (2005)). It also acknowledged that its “sister circuits ... have allowed claims of sex discrimination in employment under Title IX to proceed.” *Id.* at 867. Nevertheless, the Eleventh Circuit split with its sister circuits and found that because Title IX’s intent to protect employees from sex discrimination was “less obvious” than its intent to protect students from the

same, the implied right of action did not extend to employees complaining of sex discrimination. *Id.* at 865, 868; compare *Doe v. Mercy Cath. Med. Ctr.*, 850 F.3d 545, 560 (3d Cir. 2017); *Vengalattore v. Cornell Univ.*, 36 F.4th 87, 106 (2d Cir. 2022); *Hiatt v. Colo. Seminary*, 858 F.3d 1307, 1316–17 (10th Cir. 2017); *Campbell v. Haw. Dep't of Educ.*, 892 F.3d 1005, 1023 (9th Cir. 2018).

2. On December 2, 2024, the Eleventh Circuit issued an order withholding issuance of the mandate.

3. On April 8, 2025, the Eleventh Circuit issued a decision denying rehearing *en banc*. See *Crowther v. Board of Regents*, 133 F.4th 1284 (11th Cir. 2025). Judge Rosenbaum, joined by three judges, dissented from the denial of rehearing *en banc*, emphasizing that the panel opinion “fail[ed] to comply with controlling Supreme Court precedent” and noting that “in the two decades since *Jackson*, every one of our sister circuits that has considered whether a teacher may sue under Title IX has found they may—the opposite conclusion of our Court.” 133 F.4th at 1288.

4. Without an extension, the petition for a writ of certiorari will be due July 7, 2025. With the requested extension of thirty (30) days, the petition would be due on August 6, 2025. Consistent with Rule 13.5, the instant application is filed at least ten (10) days before the petition for certiorari is currently due. This Court’s jurisdiction will be based on 28 U.S.C. § 1254(1).

5. Applicant retained the undersigned today to serve as counsel of record in the Supreme Court. The requested extension is needed to permit the

undersigned counsel to fully investigate the complex legal issues involved in the case, and to prepare a petition for certiorari crystalizing and addressing those issues worthy of the Court's consideration.

6. In addition, Applicant notes that on May 8, 2025, this Court granted a 30-day extension on the deadline for a petition of certiorari in *Joseph v. Board of Regents*, No. 23-11037, which was consolidated with the above-captioned case before the Eleventh Circuit. The deadline for the petition in *Joseph* is thus August 6, 2025. This Court's consideration of the issues would be enhanced by considering both petitions on the same schedule.

7. This application should be granted, and the deadline for Applicant to file her petition for a writ of certiorari should be extended to August 6, 2025.

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Respectfully submitted,

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