
In the
Supreme Court of the United States

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T
T.O., A CHILD; TERRANCE OUTLEY; DARREZETT CRAIG,
Applicants,

V.

FORT BEND INDEPENDENT SCHOOL DISTRICT AND ANGELA ABBOTT,
Respondents.

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**APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND
TO A PETITION FOR WRIT OF CERTIORARI**

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

Pursuant to Rules 13.5, 30.2 and 30.4 of this Court, Respondents Fort Bend
Independent School District and Angela Abbott respectfully request that the time to
respond to the pending Petition for Writ of Certiorari in this matter be extended for
45 days to, and including, May 5, 2022.

I.

1. The Fifth Circuit issued its opinion in this matter on June 17, 2021. T.O.
timely filed a Petition for Rehearing *En Banc* on July 15, 2021. The Fifth Circuit
denied the Petition for Rehearing *En Banc* on September 15, 2021.

2. Petitioners' Petition for Writ of Certiorari was originally due on
December 14, 2021. They sought and obtained an extension to file the Petition until

January 13, 2022. The Petition was filed on January 13, 2022.

3. Respondents waived their right to file a Response to the Petition for Writ of Certiorari on February 4, 2022.

4. On February 18, 2022, this Court requested a Response to the Petition for Writ of Certiorari, to be filed by March 21, 2022.

5. This Application is filed at least ten days prior to that date pursuant to Supreme Court Rule 13.5.

6. Respondents agree with Petitioners that jurisdiction of this Court is proper under 28 U.S.C. § 1254(1). Copies of the Fifth Circuit Court of Appeals' majority and concurring opinions, and the order denying panel rehearing and rehearing en banc, have been filed with this Court.

II.
REASONS FOR GRANTING AN EXTENSION OF TIME

7. In order to accommodate scheduling difficulties and the press of other cases, Respondents respectfully request, under Rule 30.4 of this Court, a 45-day extension to and including May 5, 2022, within which to file the Response to the Petition for Writ of Certiorari. Mr. Gilbert and Ms. Hamm have had a number of unexpected client matters arise on short notice, including a temporary restraining order and temporary injunction hearing in a student discipline matter with very short timelines. Counsel would have asked for a more traditional 30-day extension, but that new deadline would fall right in the middle of what is anticipated to be a one- to two-week Title IX jury trial that is preferentially set.

8. Additionally, the issues raised by the Petitioners in their Petition for Writ of Certiorari, which challenges the underlying validity of the doctrine first adopted in 1976 by the Fifth Circuit in *Ingraham v. Wright*, 525 F.2d 909 (5th Cir. 1976), *aff'd*, 430 U.S. 651 (1977), and later affirmed and applied in *Fee v. Herndon*, 900 F.2d 804 (5th Cir. 1990), that as long as the state provide an adequate remedy, a public school student cannot state a claim for denial of substantive due process through excessive corporal punishment, are different at this stage, since the validity of the *Ingraham/ Fee doctrine* was basically assumed at the trial court and appellate levels in this case. Counsel for the Respondents believes that the Response will benefit from a short period of additional time for counsel to familiarize themselves with how this issue has been approached in other circuits.

9. **CERTIFICATE OF CONFERENCE**: Counsel for the Respondents conferred by email with counsel for the Petitioners on March 11,2022, and Petitioners are not opposed to this extension.

III. CONCLUSION

For the foregoing reasons, Respondents' application for a 45-day extension to and including May 5, 2022, within which to file the Response to the Petition for Writ of Certiorari in this case, should be granted.

Respectfully submitted,



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