

No. _____

In The
Supreme Court of the United States

URSULA NEWELL-DAVIS, and SIVAD
HOME AND COMMUNITY SERVICES,
L.L.C.

Petitioners,

v.

COURTNEY N. PHILLIPS, in her official
capacity as Secretary of the Louisiana
Department of Health, et al.

Respondents.

On Petition for Writ of Certiorari
to the U.S. Fifth Circuit Court of Appeals

**UNOPPOSED APPLICATION TO THE HONORABLE SAMUEL ALITO
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO
THE U.S. FIFTH CIRCUIT COURT OF APPEALS**

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To the Honorable Samuel Alito, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioners Ursula Newell-Davis and Sivad Home and Community Services, L.L.C., respectfully request an extension of time of 60 days to file their Petition for Writ of Certiorari in this Court, up to and including July 10, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Ursula Newell-Davis; Sivad Home and Community Services, L.L.C. v. Courtney N. Phillips, et al.*, No. 22-30166 (February 10, 2023) (attached as Exhibit 1). The U.S. Fifth Circuit Court of Appeals denied Petitioners' timely petition for rehearing and simultaneously withdrew its prior panel opinion, 55 F. 4th 477 (5th Cir. 2022), and substituted a new opinion on February 10, 2023. A Petition for Writ of Certiorari is therefore presently due in this Court on May 11, 2023. This application for an extension of time is filed more than ten days prior to that date.

JURISDICTION

This civil rights case arises under the Fourteenth Amendment and 42 U.S.C. § 1983. The federal questions to be presented concern whether Louisiana's "need review" law infringes on a federally protected right to earn a living in a common occupation in violation of the Fourteenth Amendment. The law effectively prevents Ms. Newell-Davis and others like her from starting a new private business to provide

respite care services to special needs children and their parents. This Court has jurisdiction over the questions under 28 U.S.C. § 1254.

REASONS FOR GRANTING EXTENSION OF TIME

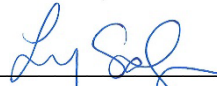
Good cause exists for the requested extension. The Fifth Circuit decision came down just as attorney Anastasia Boden, who has represented Petitioners for the past several years as lead counsel in the proceedings below, went on maternity leave. She will return in mid-June. Her knowledge of the case and participation in briefing is important for a proper presentation of the issues before this Court. Undersigned Counsel of Record is also on the litigation team for *Tyler v. Hennepin County*, docket No. 21-166, which is currently being briefed and scheduled for oral argument before this Court on April 26, 2023. This is Petitioners' first request for an extension of time. Counsel for Defendants-Respondents do not oppose this request.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 60 days, up to and including July 10, 2023, within which they may file a petition for writ of certiorari.

DATED: February 16, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

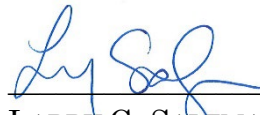
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 as Secretary of the Louisiana Department of Health, et al.*

DATED: February 16, 2023.



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