
In the
Supreme Court of the United States

B.W., A MINOR, BY NEXT FRIENDS M. W. AND B. W., FORMERLY KNOWN HEREIN AS JON
AISD DOE,

Petitioners,

v.

AUSTIN INDEPENDENT SCHOOL DISTRICT,

Respondent.

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

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, Respondent Austin
Independent School District respectfully requests that the time to respond to the
pending Petition for Writ of Certiorari in this matter be extended for 30 days to, and
including, May 23, 2025, to allow for mediation.

I.

1. The Fifth Circuit issued its opinion in this matter on January 9, 2023.
B.W. timely filed a Petition for Rehearing *En Banc*, which was granted. The Fifth
Circuit issued its en banc opinion on November 13, 2024, and by an equally divided
vote, affirmed the district court's dismissal of the case.

2. Petitioners' Petition for Writ of Certiorari was filed on February 10,

2025.

3. Respondent waived its right to file a Response to the Petition for Writ of Certiorari on March 10, 2025.

4. On March 25, 2025, this Court requested a Response to the Petition for Writ of Certiorari, to be filed by April 24, 2025.

5. Respondent agrees with Petitioners that jurisdiction of this Court is proper under 28 U.S.C. § 1254(1). Copies of the Fifth Circuit Court of Appeals' opinions have been filed with this Court.

II. REASONS FOR GRANTING AN EXTENSION OF TIME

6. In order to allow the parties 30 days to attempt to mediate and resolve this case, Respondent respectfully requests, under Rule 30.4 of this Court, a 30-day extension to and including May 23, 2025, within which to file the Response to the Petition for Writ of Certiorari.

7. Given the lengthy history of this dispute, and the fact that B.W. has graduated and would no longer be attending the District regardless of the outcome of this case, the Parties have agreed that this case should be mediated before proceeding further at this Court. The Parties believe that mediation will preserve the time and resources of the Parties and the Court.

8. The Parties have agreed to mediate with United States Magistrate Judge Susan Hightower of the Western District of Texas. On Wednesday, April 9, 2025, the district court ordered mediation with Judge Hightower. On Friday, April

11, 2025, Judge Hightower and the parties agreed to hold mediation on May 8, 2025. This was the earliest date that Judge Hightower was available.

9. **CERTIFICATE OF CONFERENCE:** Counsel for the Respondent has been in communications by email with Counsel for the Petitioners for the last two weeks, and on April 11, 2025, counsel confirmed that Petitioners are not opposed to this extension.

III. CONCLUSION

For the foregoing reasons, Respondent's application for a 30-day extension to and including May 23, 2025, 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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DATED: April 14, 2025