

No. _____

In the
Supreme Court of the United States

Marty Hierholzer, and MJL Enterprises, LLC, a Virginia corporation,

Petitioners,

v.

Isabel Guzman, in her official capacity as Administrator of the Small Business
Administration, and Small Business Administration,

Respondents.

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

**APPLICATION TO THE HONORABLE JOHN G. ROBERTS, JR.,
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit Court of Appeals:

Pursuant to Supreme Court Rule 13.5, Petitioners Marty Hierholzer and MJL Enterprises, LLC, respectfully request a 30-day extension of time to file their Petition for a Writ of Certiorari in this Court, up to and including July 2, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Hierholzer v. Guzman*, 125 F.4th 104 (4th Cir. 2025) (attached as Exhibit 1). The Fourth Circuit issued its judgment on January 3, 2025. The Fourth Circuit denied a petition for rehearing on March 4, 2025 (attached as Exhibit 2). The current deadline within which to file a Petition for Writ of Certiorari is June 2, 2025. This application for an extension of time is filed more than ten days in advance of that date.

JURISDICTION

This case arises under the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1983, and the Administrative Procedure Act (APA). Specifically, Petitioners allege that the race-based presumption of social disadvantage in the Small Business Administration's Section 8(a) Business Development Program, *see* 13 C.F.R. § 124.103(b)(1), violates the equal protection component of the Fifth Amendment's Due Process Clause and the APA. This Court has jurisdiction over a timely filed petition for writ of certiorari in this case pursuant to 28 U.S.C. § 1254.

REASONS FOR GRANTING EXTENSION OF TIME

Good cause exists for the requested extension. This case presents an important question about whether unsuccessful applicants to a federal program have standing to bring a federal court challenge to a discriminatory, race-based presumption governing admittance into the program. Below, the Fourth Circuit held that Petitioners lacked standing to challenge the race-based presumption in 13 C.F.R. § 124.103(b)(1) because they had applied for and been denied admission to the 8(a) Program. 125 F.4th at 114–17; Exhibit 1, slip op. 17–23.

Petitioners' undersigned Counsel of Record requires extra time to prepare the Petition due to his workload over the next several months. These include multiple motions for summary judgment in federal and state court, motion to dismiss briefing in federal court, and other case responsibilities including discovery and settlement negotiations. Additional time would greatly assist counsel in preparing an effective petition in this case. This is Petitioners' first request for an extension of time.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 30 days, up to and including July 2, 2025, within which to file a Petition for a Writ of Certiorari.

DATED: April 22, 2025.

Respectfully submitted,



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