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April 9, 2026

The Honorable Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: *Porter Smith v. Michigan Department of Corrections, et al.*,
No. 25-1028

Dear Mr. Harris:

I represent petitioner in the above-captioned case, and we write in response to respondents' request for an additional 30 days to file their brief in opposition. As noted in respondents' letter, petitioner is not opposed to a 13-day extension of time (resetting the deadline to May 19), which would still preserve the minimum Rule 15.5 reply period and enable the Court to consider this case at the June 18 conference. But petitioner respectfully opposes any longer extension, which would cause both prejudice and delay—by truncating petitioner's reply period or pushing the case into the summer recess.

As the petition explains, this case presents an important question under the Rehabilitation Act of 1973. It split the Sixth Circuit below, with both the majority and dissent recognizing the decision created a square circuit conflict. The petition was filed (without extension) on February 19, 2026. Respondents waited 35 days before filing a waiver, and their timing (whether intentionally calculated or not) positioned the case for the latest possible distribution (April 1) without missing the original response deadline (March 30).¹ The Court promptly called for a response on April 6, setting respondents' new deadline for May 6—a full 76 days after the petition was filed.

Petitioner respectfully submits that respondents' request for an additional 30 days is unwarranted. A 13-day extension would give respondents ample time (a total of 89 days) to respond to the petition; they have not identified any unusual justification for seeking *3.5 months* to file their response. Respondents have been on notice of the potential timing constraints since March 26—when petitioner immediately contacted respondents upon

¹ More specifically: Respondents filed their waiver on March 26, a day after the March 25 distribution. The next available distribution was April 1, after the original deadline of March 30. Respondents could not have further delayed the case without missing the March 30 deadline.

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receiving their waiver. Respondents are represented by the Michigan Department of the Attorney General; they have access to full agency resources, they already briefed this issue below, and they were presumably long aware of the prospect of a cert. petition—given the issue’s obvious importance, the panel dissent, and the acknowledged circuit conflict. Their request here would push the case into the summer recess, despite the petition’s filing back in February.

The Court routinely denies full extensions in similar circumstances (see, *e.g.*, *The Ohio State Univ. v. Snyder-Hill*, No. 22-896 (May 10, 2023); Stephen M. Shapiro et al., *Supreme Court Practice* § 6.37(c), at 6-141 (11th ed. 2019)), and it should do so again here.²

Sincerely,

/s/ Daniel L. Geysler

Daniel L. Geysler

cc: Counsel for respondents
(see attached service list)

² Although the Court also has a conference on June 25, the June 18 conference is the Court’s last scheduled opportunity to both consider and relist the case before the summer recess. Petitioner’s counsel is also traveling internationally from May 27 through June 5, so extending the response deadline past May 19 would interfere with petitioner’s ability to prepare a cert. reply. Had respondents not waited 35 days to file a waiver, there would be adequate time for a 30-day extension without prejudicing petitioner or delaying the case. Any complications respondents might now face is a product of their own making.

SERVICE LIST:

Porter Smith v. Michigan Department of Corrections, et al., No. 25-1028

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