

No. 25A_____

IN THE
Supreme Court of the United States

NATHANIEL J. BUCKLEY,

Applicant,

v.

UNITED STATES DEPARTMENT OF JUSTICE,

Respondent.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF
CERTIORARI**

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**APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

TO: Justice Sonia Sotomayor, Circuit Justice for the United States Court of Appeals for the Second Circuit:

Under this Court’s Rules 13.5 and 22, Applicant Nathaniel J. Buckley requests an extension of thirty (30) days in which to file a petition for writ of certiorari in this case, until February 11, 2026. His petition will challenge the Second Circuit’s decision in *Buckley v. United States Department of Justice*, No. 24-3192-cv, 2025 WL 2911011 (2d Cir. Oct. 14, 2025), in which the court of appeals held that records requested by Mr. Buckley were exempt from disclosure under Exemption 7 of the Freedom of Information Act (FOIA). A copy of the Second Circuit’s decision is attached. In support of this application, Applicant states:

1. The Second Circuit issued its decision on October 14, 2025. Without an extension, the petition for a writ of certiorari would be due on January 12, 2026. With an extension, the petition would be due on February 11, 2026. This Court’s jurisdiction will be based on 28 U.S.C. § 1254(1).

2. This case is a serious candidate for review. The text of FOIA’s Exemption 7 covers only those records “compiled for law enforcement purposes.” 5 U.S.C. § 552(b)(7). But the Second Circuit held that *all* records compiled by a law enforcement *agency*—whether or not for law enforcement purposes—qualified for Exemption 7. App. 3 & n.2.

At least three other circuits—the Third, the Ninth, and the D.C. circuits—hold that the statute means what it says. *See, e.g., Quinon v. FBI*, 86 F.3d 1222 (D.C. Cir. 1996); *Abdelfattah v. United States Dep’t of Homeland Sec.*, 488 F.3d 178 (3d Cir. 2007); *Rosenfeld v. United States Dep’t. of Justice*, 57 F. 3d 803 (9th Cir. 1995). In those circuits, a law enforcement agency must provide some evidence of a law enforcement purpose; not all law enforcement agency records qualify for withholding under Exemption 7.

The Second Circuit acknowledged that “[o]ther circuits take a contrary approach.” App. 3 n.2. Indeed, it acknowledged that “[t]here is much to be said for that position.” *Id.* However, it was “bound by our Court’s precedent” to apply its per se approach. *Id.*

This petition will thus tee up a square split on a frequently recurring and important question of federal law that the court below answered contrary to the statute’s text.

3. This application seeks to accommodate Applicant’s legitimate needs and is not filed for purposes of delay. Counsel for Applicant has several other briefing deadlines over the next two months. In addition, counsel for Applicant recently affiliated with the Stanford Supreme Court Litigation Clinic. Co-counsel needs additional time to get up to speed on the case and prepare a petition for certiorari.

For these reasons, Applicant requests that the due date for his petition for a writ of certiorari be extended to February 11, 2026.

Respectfully submitted,

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December 19, 2025