

No. A-\_\_\_\_\_

IN THE  
*Supreme Court of the United States*

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AMAZON.COM SERVICES, LLC, ET AL.,

*Applicants,*

v.

NATIONAL LABOR RELATIONS BOARD, ET AL.,

*Respondents,*

and

TEAMSTERS AMAZON NATIONAL NEGOTIATING COMMITTEE,

*Intervenor-Respondent.*

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**APPLICATION FOR AN EXTENSION OF TIME  
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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## **RULE 29.6 DISCLOSURE STATEMENT**

Applicants are Amazon.com Services, LLC and Amazon Logistics, Inc., which were plaintiffs in the district court and appellants in the court of appeals.

Amazon.com Services, LLC is a Delaware limited liability company with its principal place of business in Seattle, Washington. The sole member of Amazon.com Services, LLC is Amazon.com Sales, Inc., a Delaware corporation with its principal place of business in Seattle, Washington. The sole owner of Amazon.com Sales, Inc. is Amazon.com, Inc. Amazon.com, Inc. is a Delaware corporation with its principal place of business in Seattle, Washington. Amazon.com, Inc. is a publicly traded company that has no parent corporation, and no publicly held corporation owns 10% or more of its stock. Amazon.com, Inc.'s stock ticker symbol is AMZN.

Amazon Logistics, Inc. is a Delaware corporation and is a wholly owned subsidiary of Amazon.com, Inc. As noted above, Amazon.com, Inc. is a publicly traded company that has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to Rule 13.5 of this Court, Applicants Amazon.com Services, LLC and Amazon Logistics, Inc. (collectively, “Amazon”) respectfully apply for a 60-day extension of time, to and including May 29, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case. The court of appeals entered judgment on December 29, 2025. App., *infra*, 2a. Unless extended, the time for filing a petition for a writ of certiorari will expire on March 30, 2026.<sup>1</sup> The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. This case presents an important, recurring question concerning whether the Norris-LaGuardia Act (the Act)—a 1932 statute enacted three years before the creation of the National Labor Relations Board (the Board)—bars district courts from enjoining proceedings before the Board as unconstitutional. The Act provides that “[n]o court of the United States . . . shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a *case involving or growing out of a labor dispute*.” 29 U.S.C. § 101 (emphasis added). In this case, the Ninth Circuit held that the Act deprives district courts of jurisdiction to enjoin the here-and-now injury of being subjected to the Board’s unconstitutionally structured decisionmaking process. That holding deepened an acknowledged split among the courts of appeals.

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<sup>1</sup> Ninety days after December 29, 2025 (the date of the court of appeals’ decision) is March 29, 2026—a Sunday. The default deadline is therefore extended to the following day. Sup. Ct. R. 30.1.

a. On September 30, 2024, the Board initiated administrative enforcement proceedings against Amazon through service of a complaint and a notice of hearing. *Amazon.com Servs. LLC v. NLRB*, 2025 WL 466262, at \*2 (C.D. Cal. Feb. 5, 2025). The complaint alleged, in short, that Amazon impermissibly failed to bargain with a union representing employees of a third-party business after Amazon had terminated its contract with that business. *Id.* Amazon continues to contest the merits of this claim before the agency.

b. On November 5, 2024, Amazon sued the Board in the United States District Court for the Central District of California. Compl., *Amazon.com Servs.*, No. 2:24-cv-09564 (C.D. Cal. Nov. 5, 2024), Dkt. 1. Amazon challenged the constitutionality of the statutory removal protections applicable to the Board’s administrative law judges and Board members. *Id.* at 9-13; see also App., *infra*, 7a. Amazon then moved to preliminarily enjoin the Board’s proceedings, and the union intervened to oppose the injunction alongside the Board. App., *infra*, 7a-8a. The district court denied Amazon’s motion for a preliminary injunction, reasoning that the Act barred injunctive relief once administrative proceedings against Amazon had begun. App., *infra*, 8a. Amazon timely appealed. *Id.* at 8a.

c. The Ninth Circuit affirmed. The court reasoned that the Act provides separate requirements for “the pending *case* and the underlying *labor dispute*.” App., *infra*, 11a. Under the Ninth Circuit’s reading, a “*case* need only ‘involve . . . or grow out of [an underlying] dispute,’” but “it need not itself be a *labor dispute*.” *Id.* at 12a (emphases added). Thus, so long as the underlying dispute (here, the Board proceeding)

“concern[s the] terms or conditions of employment, or . . . the association or representation of persons,” a district court lacks jurisdiction to issue an injunction—even if the case before the district court is not a labor dispute. *Id.* (internal quotation marks omitted); *id.* at 15a.

In reaching this conclusion, the Ninth Circuit acknowledged that the circuits were divided. But the Ninth Circuit held that “[i]n the split between the Third and Fifth Circuits,” it “agree[d] with the Third Circuit.” *Id.* at 22a.

2. The Ninth Circuit’s judgment warrants this Court’s review.

a. Precedential decisions from the Third, Fifth, and Ninth Circuits are in acknowledged conflict. *See Spring Creek Rehab. & Nursing Ctr. LLC v. NLRB*, 160 F.4th 380 (3d Cir. 2025); *Space Exploration Techs. Corp. v. NLRB (SpaceX)*, 151 F.4th 761 (5th Cir. 2025). In *SpaceX*, the Fifth Circuit held that “[t]he text of the Act” does not deprive courts of “jurisdiction to enjoin the NLRB” because suits challenging the constitutionality of the Board’s structure are not between employers and employees, and “do not concern ‘terms or conditions of employment, or [ ] the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange’ such terms.” 151 F.4th at 770. The Fifth Circuit thus affirmed an injunction halting unlawful Board proceedings against the alleged employer. *Id.* at 781. In stark contrast, the Third Circuit has held that district courts lack jurisdiction to enjoin unconstitutional Board proceedings. *Spring Creek Rehab.*, 160 F.4th at 389. It expressly disagreed with the Fifth Circuit on this question. *Id.* at 386–88.

The Second Circuit has deepened the confusion. In a recent precedential opinion, the Second Circuit exercised jurisdiction over an appeal from the denial of a preliminary injunction against ongoing Board proceedings. *See Care One, LLC v. NLRB*, 166 F.4th 335 (2d Cir. 2026). Although the district court and the Second Circuit both denied the preliminary injunction on the merits, they did so in the precise circumstances in which the Third and Ninth Circuits have held that courts lack jurisdiction to issue injunctions.

b. The Ninth Circuit’s interpretation of the Act is mistaken. The Act applies only to a “case involving or growing out of a labor dispute.” 29 U.S.C. § 101. As the Ninth Circuit correctly recognized, the statute provides a further constraint—the “labor dispute” *must* fall into one of the enumerated “party configurations.” App., *infra*, 11a; *see also* 29 U.S.C. § 113(a)(1)–(3). But the Ninth Circuit incorrectly concluded that the controversy is between Amazon and the union. App., *infra*, 15a. Here, Amazon challenges the constitutionality of the Board’s structure—which is a proceeding between Amazon and the *Board*, not between Amazon and the *union*. Indeed, as this Court has recognized, the Act “has no bearing” when the “employer-employee relationship” is not “the matrix of the controversy.” *Columbia River Packers Ass’n v. Hinton*, 315 U.S. 143, 147 (1942).

The Ninth Circuit’s holding to the contrary also runs headlong into *Axon Enterprise, Inc. v. FTC*, 598 U.S. 175 (2023). There, this Court held that being subject to agency proceedings before an unconstitutionally structured agency creates a “here-and-now injury” that is “impossible to remedy once the proceeding is over.” *Id.* at 191–92. That is so because “separation-of-powers claims *do not relate* to the subject of

enforcement actions” and therefore have “*nothing to do* with the enforcement-related matters” that might be pending before an agency. *Id.* at 193 (emphases added). But once an “illegitimate proceeding, led by an illegitimate decisionmaker” “has already happened[, it] cannot be undone;” thus, judicial review “would come too late to be meaningful.” *Id.* at 191. Like the claims in *Axon*, Amazon here challenges “the Board’s existence,” rather than the “standards it might apply in regulating.” *Id.* at 193 (internal quotation marks omitted). Therefore, just as in *Axon*, Amazon’s challenge is “discrete,” and the injury it faces cannot be remedied after the fact. *Id.* at 194.

3. Good cause exists to grant the extension. The undersigned counsel of record has had—and will continue to have—significant professional responsibilities in other time-sensitive matters in the period before and after the current March 30 deadline, including an omnibus hearing in the District of Puerto Rico on March 18, 2026, and a significant briefing deadline in the Eastern District of California on March 24, 2026. In addition, the undersigned counsel had no involvement in the proceedings below and was retained only recently to prepare a petition for a writ of certiorari.

Additional time is necessary here to permit counsel for Applicants to complete a review of the record below, to research and address the important questions of federal law, and to prepare and file a petition that would be helpful to the Court. This extension is not being sought for purposes of delay or to prejudice any party. Amazon is not aware of any party that would be prejudiced by a 60-day extension.

Accordingly, Amazon respectfully requests that the time to file its petition for a writ of certiorari be extended by 60 days, to and including May 29, 2026.

March 19, 2026

Respectfully submitted,

*/s/Miguel A. Estrada*

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