

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

THE GEO GROUP, INC.,

Applicant,

v.

JAY INSLEE, et al.,

Respondents.

**APPLICATION TO THE HON. ELENA KAGAN 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**

Pursuant to Supreme Court Rule 13(5), The Geo Group, Inc. (“Applicant”) hereby moves for an extension of time of 30 days, to and including June 11, 2026, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be May 12, 2026.

In support of this request, Applicant states as follows:

1. A panel of the United States Court of Appeals for the Ninth Circuit issued a decision in this case dated August 19, 2025 (Exhibit 1); the en banc Ninth Circuit denied a timely petition for rehearing on February 11, 2026 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. This case presents substantial legal issues surrounding a state law purporting to regulate every aspect of federal detention contractors’ operations undertaken at the direction of the federal government. The statute at issue purports to regulate a host of topics that the federal government already regulates, ranging

from unannounced access to the facility to the provision of toiletries. GEO contended that these regulations are preempted and offend intergovernmental immunity. The district court agreed; a Ninth Circuit panel reversed; and the Ninth Circuit declined to rehear the case en banc, over the dissent of eight judges.

3. Applicant recently retained undersigned counsel, Paul D. Clement, who was not involved in the trial or appellate proceedings. Mr. Clement must familiarize himself with the proceedings below and with the arguments presented in the Court of Appeals. Between now and the current due date of the petition, Mr. Clement will present oral argument in *United States v. Pramaggiore*, No. 25-2349 (7th Cir.) (scheduled for argument on April 14, 2026), and in *Monsanto Co. v. Durnell*, No. 24-1068 (U.S.) (scheduled for argument on April 27, 2026). Mr. Clement also has a petition for writ of certiorari due in *National Small Business United v. Bessent*, see No. 25A968 (U.S.) (due April 15, 2026), a reply brief due in *Monsanto Co. v. Durnell*, No. 24-1068 (U.S.) (due April 17, 2026), and a reply brief due in *In re: Rail Freight Fuel Surcharge Antitrust Litigation*, No. 25-7103 (D.C. Cir.) (due April 23, 2026). In the same timeframe, co-counsel, Dominic E. Draye, will present oral argument in *Silverton Mountain Guides, LLC v. U.S. Forest Service*, No. 25-1384 (9th Cir.) (scheduled for argument on April 20, 2026). Mr. Draye will also submit a reply brief in support of certiorari in *Moreland Properties LLC v. Goodyear Tire & Rubber Co.*, No. 25-758 (U.S.) (due April 17, 2026), and merits briefs in the U.S. Court of Appeals for the Second and District of Columbia Circuits, *Waggity, LLC v. BarkBox, Inc.*, No. 26-00116 (2d Cir.) (due May 1, 2026); *Central American Bank for Economic Integration v. Mossi*, No. 25-07162 (D.C. Cir.) (due May 4, 2026).

4. Applicant's counsel requires the additional requested time to research the legal issues and to prepare an appropriate petition for consideration by this Court.

5. A 30-day extension of time will not prejudice respondents. The federal government already regulates and audits the operation of detention facilities for the health and safety of detainees. What Washington State seeks is a power it has never previously had or exercised. Delaying the assertion of that purported power imposes no material prejudice. To the contrary, all parties stand to benefit from an extension, during which this Court will consider the same Supremacy Clause doctrines in connection with another effort by the State of Washington to regulate GEO's work for the federal government. *GEO Grp., Inc. v. Nwauzor*, No. 25-828. If the Court grants the petition in *Nwauzor*, this case should be held pending resolution on the merits. In that circumstance, an extension for filing the petition for certiorari imposes no additional delay.

For the foregoing reasons, Applicant hereby requests that an extension of time to and including June 11, 2026, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,



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April 13, 2026

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