

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

No. 25A1145

THE GEO GROUP, INC.,

Applicant,

v.

BOB FERGUSON, et al.,

Respondents.

**APPLICATION TO THE HON. ELENA KAGAN FOR A
SECOND AND FINAL 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 a second and final extension of time of 29 days, to and including July 10, 2026, for the filing of a petition for a writ of certiorari.¹ Unless an extension is granted, the deadline for filing the petition for certiorari will be June 11, 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

¹ Under Supreme Court Rule 35(3), Governor Bob Ferguson has been automatically substituted for Governor Jay Inslee.

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 continue to 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 *Bodin v. New Orleans City*, No. 25-30524 (5th Cir.) (scheduled for argument June 2, 2026), and will file replies in support of certiorari in *Fairfield Sentry Ltd. v. Citibank NA London*, No. 25-1089 (U.S.) (due June 9, 2026), and in *Finesse Wireless LLC v. AT&T Mobility LLC*, No. 25-953 (U.S.) (due June 9, 2026). In the same timeframe, co-counsel, Dominic E. Draye, will submit a reply brief in the D.C. Circuit, *Reading Int'l, Inc. v. Surface Transp. Bd.*, No. 25-1255 (D.C. Cir.) (due May 29, 2026), a merits brief in the Second Circuit, *Waggity, LLC v. BarkBox, Inc.*, No. 26-00116 (2d Cir.) (due June 1, 2026), and deliver oral argument in the District of Colorado, *Menocal v. GEO Group, Inc.*, No. 1:14-cv-02887 (D. Colo) (scheduled for argument June 3, 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. In addition, this Court recently invited the Solicitor General to express the views of the United States in *GEO Group, Inc. v. Nwauzor*, No. 25-828, a related case involving Washington's application of state law to GEO's operation of a federally contracted immigration-detention facility, and counsel must consider the relationship between that matter and the issues presented here.

5. A 29-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.

For the foregoing reasons, Applicant hereby requests that an extension of time to and including July 10, 2026, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,



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May 28, 2026

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