

No. 26A__

IN THE
Supreme Court of the United States

GARY PEREZ AND MATILDE TORRES,

Applicants,

v.

CITY OF SAN ANTONIO, TEXAS,

Respondent.

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

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Fifth Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicants Gary Perez and Matilde Torres respectfully request an unopposed 60-day extension of time, up to and including July 27, 2026, to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Fifth Circuit, seeking review of that court's decision in *Perez v. City of San Antonio*, 163 F.4th 110 (5th Cir. Dec. 12, 2025), *reh'g denied*, 168 F.4th 345 (5th Cir. Feb. 27, 2026). The decisions below are attached as Appendix A and Appendix B. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

2. The time to file a petition for a writ of certiorari will otherwise expire on May 28, 2026. This Application is timely because it has been filed more than ten days prior to the date on which the time for filing is due to expire.

3. Applicants have good cause for an extension of time. This petition involves important issues regarding the Free Exercise and Establishment Clauses of the First Amendment that divided the *en banc* court polled below and have divided the courts of appeals. In light of the other commitments described below, an extension would allow Applicants' counsel to better develop the arguments in this case and to complete the requisite research and writing.

4. Applicants' undersigned Counsel of Record faces a demanding schedule of briefs and hearings over the next months, including a preliminary injunction hearing on May 20, 2026, in *Fleming et al. v. Warden Rule et al.*, 4:25-cv-00157 (N.D. Tex.), in which undersigned counsel is counsel of record and which has a significant chance of resulting in an emergency appeal. He also must participate in a dispositive motion hearing in *Haim v. Tex. Children's Hosp.*, No. 2026-20825 (55th Dist. Ct., Harris County, Tex.), in which he is attorney-in-charge. Other members of the legal team likewise have conflicting professional commitments.

5. Attorneys for First Liberty Institute have joined the legal team in the last week and need additional time to familiarize themselves with the record and case history. Counsel for First Liberty are currently engaged in pending litigation in several matters, including *Kloosterman v. Metropolitan Hospital*, No. 1:22-cv-00944 (W.D. Mich., filed Oct. 11, 2022), with at least seven depositions scheduled before discovery ends on July 30, 2026. Counsel for First Liberty also have pending petitions seeking a writ of certiorari before this Court in

Hershey v. City of Bossier City (5th Cir.), due June 12, 2026, and *Woolard v. Thurmond*, No. 24-4291 (9th Cir.), due June 22, 2026.

6. Respondent consents to this request.

WHEREFORE, Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including July 27, 2026.

May 13, 2026

Respectfully submitted,

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