

No. 25A\_\_\_\_\_

---

---

**In the Supreme Court of the United States**

---

GARY WESTCOTT, ET AL.,

*Applicants,*

v.

VOICE OF THE EXPERIENCED, ET AL.,

*Respondents.*

---

**APPLICATION TO EXTEND TIME TO FILE  
PETITIONS FOR WRITS OF CERTIORARI**

---

ELIZABETH B. MURRILL

Attorney General

J. BENJAMIN AGUIÑAGA

Solicitor General

*Counsel of Record*

LOUISIANA DEPARTMENT OF JUSTICE

1885 N. Third St.

Baton Rouge, LA 70802

(225) 506-3746

AguinagaB@ag.louisiana.gov

*Counsel for Applicants*

---

---

**To the Honorable Samuel A. Alito, Jr., as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:**

Gary Wescott, in his official capacity as Secretary of the Louisiana Department of Public Safety and Corrections; Darrel Vannoy, in his official capacity as Warden of the Louisiana State Penitentiary; and the Louisiana Department of Public Safety and Corrections respectfully request that the Court extend to June 29, 2026, the current deadlines to file petitions for writs of certiorari in *Voice of the Experienced v. LeBlanc (VOTE II)*, No. 25-30322 (5th Cir.), and *Voice of the Experience v. LeBlanc (VOTE III)*, No. 25-30478 (5th Cir.).<sup>1</sup> Following the Fifth Circuit’s denial of rehearing en banc in both cases, Applicants’ current deadlines to file such petitions are May 28 (*VOTE III*) and June 3 (*VOTE II*). An extension until June 29 would be a 30-day extension of the *VOTE III* deadline (accounting for a weekend deadline) and a 26-day extension of the *VOTE II* deadline.

In accordance with this Court’s Rules 13.5, 30.2, and 30.3, this application is filed at least 10 days before the *VOTE II* and *VOTE III* petitions are due. And the Court has jurisdiction under 28 U.S.C. § 1254.

**BACKGROUND**

This application arises from a long-running, prison-conditions lawsuit regarding Louisiana’s largest prison, the Louisiana State Penitentiary (LSP). *See Voice of the Experienced v. LeBlanc*, No. 23-cv-1304 (M.D. La.). Filed in 2023, the

---

<sup>1</sup> In the litigation below, Secretary Westcott’s predecessor (Secretary James LeBlanc) and Warden Vannoy’s predecessor (Warden Tim Hooper) were named defendants in their official capacities. Secretary Westcott and Warden Vannoy have substituted in as defendants in their official capacities. *See Sup. Ct. R. 35.3.*

lawsuit challenges the conditions under which certain prisoners labor on the Farm Line at LSP. The Farm Line comprises numerous activities, including grass-mowing, weed-cutting, and the planting and harvesting of fruits and vegetables solely for prisoner consumption.

During this lawsuit, the district court entered three separate and sequential preliminary injunctions attempting to govern the Farm Line. Applicants appealed each such injunction. The first appeal is colloquially known as *VOTE I. See Voice of the Experienced v. Westcott*, 2025 WL 2222990 (5th Cir. Aug. 5, 2025). The second as *VOTE II. Voice of the Experienced v. LeBlanc*, 2025 WL 2481382 (5th Cir. Aug. 28, 2025). And the third as *VOTE III. Voice of the Experienced v. LeBlanc*, 2025 WL 3252638 (5th Cir. Nov. 21, 2025).

In each appeal, Applicants complained that the district court was violating the strictures of the Prison Litigation Reform Act (PLRA), 18 U.S.C. § 3626. But, in each appeal, the Fifth Circuit dismissed Applicants’ appeals as moot. The reason for that mootness problem is that, under the PLRA, a preliminary injunction “shall automatically expire on the date that is 90 days after its entry” unless the district court takes certain requisite actions. § 3626(a)(2). The district court repeatedly refused to take those requisite actions, and thus the injunctions expired while Applicants’ appeals were pending—hence the mootness issue.

The basis for the Fifth Circuit’s decisions is its own precedent, *Smith v. Edwards*, 88 F.4th 1119 (5th Cir. 2023), which declined to apply the mootness exception (in this precise PLRA context) for issues capable of repetition yet evading

review (CRYER). The *Smith* decision did so on the theory that “ninety days is not in itself necessarily too short a time fully to litigate a challenge to a PLRA injunction.” *Id.* at 1125–26; *see* Ex. B (*VOTE III* panel decision); Ex. D (*VOTE II* panel decision).

*Smith* is plainly wrong, as the badly split (6-11) en banc vote in *VOTE III* illustrates. In dissent, Judge Jones (joined by Judges Smith, Ho, Duncan, and Oldham) ably explained two reasons why. *First*, although *Smith* suggests potential appellate review by *a court of appeals* is all that is necessary to avoid the CRYER exception, numerous other courts of appeals have held that *this Court’s* plenary review must be possible. Ex. A at 9. That is a plain circuit split that warrants certiorari. *Second*, although *Smith* believed 90 days sufficient to obtain plenary appellate review, this Court itself (not to mention lower courts following this Court) has held that periods of 12 months, 18 months, and even two years are insufficient to obtain plenary review for purposes of the CRYER exception. *Id.* at 9–10. That is an independent basis for certiorari—and likely summary reversal.

In light of the Fifth Circuit’s plain errors below, Applicants will file timely petitions for writs of certiorari and ask for reversal. *See* Ex. A (*VOTE III* en banc decision issued Feb. 27, 2026); Ex. C (*VOTE II* en banc decision issued Mar. 5, 2026).

### **REASONS FOR GRANTING AN EXTENSION OF TIME**

Applicants respectfully request that the Court extend until June 29, 2026, the deadlines for filing petitions for writs of certiorari in *VOTE II* and *VOTE III*.

Applicants make this request primarily to align proceedings in both cases. Although both cases arise from the same district court proceeding, they involve separate preliminary injunctions—and then separate appeals resulting in separate

Fifth Circuit decisions. Accordingly, aligning the deadlines would streamline this Court's own review.

Applicants also make this request due to the recent and ongoing press of heavy business conflicting with the current deadlines. That includes emergency proceedings in this Court and in the district court following this Court's decision in *Louisiana v. Callais*, No. 24-109; emergency proceedings in *Danco Laboratories, LLC v. Louisiana*, No. 25A1207, and *GenBioPro, Inc. v. Louisiana*, No. 25A1208; and a brief in opposition in *Mills v. Louisiana*, No. 25-7001, due on June 10.

For these reasons, there is good cause to extend until June 29 the current deadlines to file petitions for writs of certiorari. This relief will not prejudice Plaintiffs; indeed, Plaintiffs have represented that they do not oppose the requested relief.

Respectfully submitted,

/s/ J. Benjamin Aguiñaga

ELIZABETH B. MURRILL

Attorney General

J. BENJAMIN AGUIÑAGA

Solicitor General

*Counsel of Record*

LOUISIANA DEPARTMENT OF JUSTICE

1885 N. Third St.

Baton Rouge, LA 70802

(225) 506-3746

AguinagaB@ag.louisiana.gov

*Counsel for Applicants*