

APP NO. 25A1342

IN THE SUPREME COURT OF THE UNITED STATES

KRYSTLE PERRY, individually and on behalf of their minor child K.P.; ANTHONY PERRY, individually and on behalf of their minor child K.P.,

Petitioners,

v.

STACY MARTENEY, in her official capacity as the Virtual Learning Coordinator of the Upshur County Virtual School; CHRISTINE MILLER, in her official capacity as Superintendent of the Upshur County School District,

Respondents.

On Application for an Extension of Time
to File Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

**REPLY IN SUPPORT OF PETITIONERS' APPLICATION
TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI**

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Petitioners Krystle and Anthony Perry respectfully submit this reply in support of their request that the time to file their Petition for Writ of Certiorari in this matter be extended for 60 days up to and including September 8, 2026.

Respondents submitted a response in partial opposition to that extension request, acceding to a 30-day extension but not one for 60 days. Respondents' primary objection—based on the court of appeals' stayed mandate—is misplaced. Respondents say they will suffer “additional harm” from “every day of delay” because the stayed mandate means the district court's preliminary injunction “is in full force today and will remain so until the petition for a writ of certiorari is resolved.” Resp. 3–4; *see id.* at 1–2. But the Fourth Circuit's order states clearly that the mandate is stayed “for up to, but not beyond, a period of 90 days” from April 15, 2026. CA Dkt. 69 (Apr. 15, 2026). Because the stay expires on its own terms separate and apart from any petition for a writ of certiorari, an extension will not harm Respondents or any schoolchildren in their care. Any further extension of the stay would require a separate order from the Fourth Circuit.

Petitioners thus respectfully request that this Court grant their request for a 60-day extension of time to file their Petition for Writ of Certiorari.

Respectfully submitted.

s/ John J. Bursch _____

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CERTIFICATE OF SERVICE

A copy of this application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3:

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