

No.

In the Supreme Court of the United States

HOMEROOM, INC.; AND VAL FRENCH,

Petitioners,

v.

CITY OF SHAWNEE, KANSAS,

Respondent

*On Petition For A Writ Of Certiorari
To The United States Court of Appeals for the Tenth Circuit*

**APPLICATION TO THE HONORABLE NEIL M. GORSUCH
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 TENTH CIRCUIT**

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To the Honorable Neil M. Gorsuch, Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Pursuant to Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), Petitioners HomeRoom, Inc., and Val French respectfully request a 60-day extension of time, to and including September 4, 2026, within which to file a petition for a writ of certiorari in this case. The petition is presently due on July 6, 2026. This application is filed more than ten days before that date. *See* Sup. Ct. R. 13.5, 30.2.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Sup. Ct. R. 29.6, Petitioners state that no parent corporation or any publicly held company owns 10% or more of Petitioners' stock.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought was entered by the United States Court of Appeals for the Tenth Circuit on April 6, 2026. *HomeRoom, Inc. v. City of Shawnee*, No. 23-3168 (10th Cir. 2026). No petition for rehearing was filed. A copy of the Order and Judgment is attached as Exhibit 1.

JURISDICTION

This Court has jurisdiction over the judgment below under 28 U.S.C. § 1254(1).

REASONS FOR GRANTING THE EXTENSION OF TIME

This case presents important questions concerning the constitutional limits on municipal zoning regulations—specifically, whether a city may bar unrelated adults from sharing a single-family dwelling consistent with the Due Process and Equal Protection guarantees of the Fourteenth Amendment. This Court's decision in *Belle Terre v. Boraas*, 416 U.S. 1 (1974), is universally interpreted by federal courts to

approve of such regulations in nearly every instance. However, intervening precedents of this court such as in *Roberts v. U.S. Jaycees*, 468 U.S. 609 (1984), and *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432 (1985), cast significant doubt on both the breadth of *Belle Terre* and its continuing viability. The case presents the question whether the right of people to choose to live together within a home is a fundamental liberty right deserving heightened constitutional protection, and if it is not, whether rational basis scrutiny permits a city-wide prohibition of unrelated co-residents even in districts zoned for multi-family, high density use. Given a widely recognized national housing shortage, such regulations make it more difficult for Americans to utilize existing housing stock while also interfering with deeply personal choices about the establishment of home life. Because the petition will address questions of public importance and recurring constitutional significance, the additional time sought will allow Petitioners to present them to the Court with the care they warrant.

The time to file a petition for a writ of certiorari may be extended for “good cause” for “a period not exceeding 60 days.” Sup. Ct. R. 13.5. Good cause exists here for the following reasons. First, counsel of record bears substantial competing professional obligations during the period in which the petition would otherwise be prepared. In particular, counsel of record has a New Jersey Supreme Court brief due on June 22, 2026, *Johnson v. City of East Orange*, No. 09053, and an appellate brief due in the Tenth Circuit on July 8, 2026, in *redT Homes, Inc. v. City and County of Denver*, No. 26-1085. Second, the questions that the petition will present are both

legally complex and broadly important, and their proper presentation requires more time than the current schedule permits.

Counsel for Petitioners has conferred with counsel for Respondent, the City of Shawnee, who does not oppose this extension.

CONCLUSION

For the foregoing reasons, Petitioners request that this Court grant an extension of 60 days, up to and including September 4, 2026, within which they may file a petition for a writ of certiorari.

DATED: June 18, 2026.

Respectfully submitted,

S/ DAVID J. DEERSON

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CERTIFICATE OF SERVICE

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

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DATED: June 18, 2026.

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