

No. _____

In the Supreme Court of the United States

KATE ADAMS,

Applicant,

v.

COUNTY OF SACRAMENTO; SCOTT JONES, SHERIFF

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicant Kate Adams respectfully requests a 60-day extension of time, to and including December 6, 2025, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Ninth Circuit granted interlocutory review pursuant to 28 U.S.C. § 1292(b) on June 28, 2023. A copy of the order is attached as Exhibit A. The Ninth Circuit denied a timely petition for rehearing and rehearing en banc and issued an amended opinion on July 9, 2025. A copy of the order and amended opinion is attached as Exhibit B. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on October 7, 2025. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case.

3. This case presents an issue of substantial and recurring importance concerning public-employee speech. A divided Ninth Circuit panel held that a public employee's text message expressing disapproval of racist memes did not address a "matter of public concern," foreclosing any First Amendment review. The decision deepens confusion about how content, form, and context operate at the *Connick/Pickering* threshold. The panel's holding that even the content of Ms. Adams's speech—speech criticizing racist speech—is not speech on a "matter of public concern" underscores the need for this Court's guidance on (i) whether speech condemning racism is speech on a matter of public concern, and (ii) whether—assuming the panel correctly characterized it as speech outside the workplace and unrelated to any matter of public concern—the First Amendment requires that such speech receive maximum protection against adverse employment action by a government employer, rather than none.

4. Applicant respectfully requests an extension of time to file a petition for a writ of certiorari. A 60-day extension would allow counsel of record sufficient time to fully examine the Ninth Circuit's decision's consequences, research and analyze the issues presented, and prepare the petition for filing. Additionally, the undersigned counsel has a number of other pending matters that will interfere with counsel's ability to file the petition on or before October 7, 2025.

Wherefore, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including December 6, 2025.

Dated: September 25, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Tutt", written over a horizontal line.

Andrew T. Tutt

Counsel of Record

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