

App No. _____

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

UPSOLVE, INC., and
REV. JOHN UDO-OKON,

Applicants,

v.

LETITIA JAMES, in her official capacity as Attorney General of New York,

Respondent,

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

Robert J. McNamara
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Counsel for Applicants

September 29, 2025

To the Honorable Sonia Sotomayor, as Circuit Justice for the United States Court of Appeals for the Second Circuit:

Applicants respectfully request pursuant to Supreme Court Rule 13.5 that the time to file a Petition for Certiorari in this matter be extended by 30 days, up to and including January 7, 2026.

On September 9, 2025, the United States Court of Appeals entered an opinion and judgment vacating the district court’s preliminary injunction in this case. See Attachment A. That opinion held that a New York restriction on Petitioners’ ability to give advice on a specific topic (legal advice) was not a content-based restriction on speech. Instead, considering itself bound by earlier circuit precedent, it held that regulations that define speech based on the speech’s “particular purpose, focus, and circumstance” are content-neutral and therefore subject only to intermediate scrutiny. Slip op. 20–21. That holding conflicts with the law of other circuits, including the Third Circuit,¹ as well as with this Court’s repeated holdings. The question of how to evaluate speech restrictions that purport to draw their distinctions based on the purpose of the regulated speech is also directly implicated by the arguments in *Chiles v. Salazar*, No. 23-539, currently pending on this Court’s merits docket.

Reasons for Granting an Extension of Time

Applicants’ pro bono counsel requests a 30-day extension of time to permit the preparation of a petition for certiorari that fully and fairly presents the issues to this

¹ See *Schrader v. Dist. Att’y of York Cty.*, 74 F.4th 120, 127 (3d Cir. 2023).

Court. The extension is necessary to accommodate the press of other business, including briefing in other cases pending before this Court and in other courts, as well as substantial work travel commitments throughout the fall of 2025. Counsel therefore requests an extension of 30 days—until January 7, 2026—to ensure the Petition is prepared with sufficient care.

Conclusion

Applicants request that the time to file a petition for a writ of certiorari in this case be extended 30 days, to and including January 7, 2026.

Dated this 29th day of September, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. J. McNamara', written over a horizontal line.

Robert J. McNamara

Counsel of Record

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