

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

THE GEO GROUP, INC.,

Applicant,

v.

UGOCHUKWU NWAUZOR, et al.,

Respondents.

**APPLICATION TO THE HON. ELENA KAGEN 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 NINTH CIRCUIT**

Petitioner hereby moves, pursuant to Rule 13(5) of the Rules of this Court, for a 30-day extension of time in which to file a petition for writ of certiorari to and including December 12, 2025. A panel of the United States Court of Appeals for the Ninth Circuit issued a decision in this case dated January 16, 2025 (Exhibit 1); the en banc Ninth Circuit denied a timely petition for rehearing on August 13, 2025 (Exhibit 2). This Court has jurisdiction under 28 U.S.C. § 1254(1).

1. The date within which a petition for writ of certiorari would be due, if not extended, is November 12, 2025.

2. Petitioner recently retained undersigned counsel (Paul D. Clement, Counsel of Record, and Dominic E. Draye), who were not involved in the trial or appellate proceedings. Messrs. Clement and Draye must familiarize themselves with the proceedings below and with the arguments presented in the Court of Appeals. Between now and the current due date of the petition, Mr. Clement will

present oral argument in *In re: East Palestine Train Derailment*, No. 24-4086 (6th Cir.) (scheduled for argument on October 23, 2025), and in *Petersen Energia Inversora, S.A.U. v. Argentine Republic*, No. 23-7463 (2d Cir.) (scheduled for argument on October 29, 2025). Mr. Clement also has appellate briefs due in *Harris v. City of Los Angeles*, No. 25-5029 (9th Cir.) (due on October 20, 2025), *Finesse Wireless LLC v. AT&T Mobility LLC*, No. 24-1039 (Fed. Cir.) (due on October 24, 2025), and *Association of American Universities v. Dep't of Energy*, No. 25-1727 (1st Cir.) (due on October 24, 2025). Between now and the current due date of the petition, Mr. Draye will present oral argument in *The GEO Group, Inc. v. Menocal*, No. 24-758 (scheduled for argument on November 10, 2025).

3. This case presents substantial legal issues surrounding a state law requiring federal contractors to pay the state minimum wage to federal detainees who choose to participate in a voluntary work program that the federal government requires and for which it specifies a stipend of \$1 per day. Among those issues are whether the state law is invalid under (i) the intergovernmental immunity doctrine for directly regulating federal operations or for imposing an unequal burden federal operations relative to the State's own prisons and jails, and (ii) federal preemption under the web of laws regulating immigration detention.

4. Petitioner's counsel requires the additional requested time fully to research the legal issues and to prepare an appropriate petition for consideration by this Court.

5. Due to this litigation, the federal government has suspended its requirement that GEO offer the voluntary work program. As a result, an extension

of time will not prejudice respondents, whose alleged injuries are strictly monetary (in the case of the individual respondents) or relate to the regulation of a program that is suspended (in the case of the State).

For the foregoing reasons, petitioner hereby requests that an extension of time to and including December 12, 2025 be granted within which petitioner may file a petition for a writ of certiorari.

Respectfully submitted,



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