

No. 25A_____

IN THE
SUPREME COURT OF THE UNITED STATES

THE GLYNN ENVIRONMENTAL COALITION, INC.,
CENTER FOR A SUSTAINABLE COAST, INC., AND JANE FRASER,
Applicants,

v.

SEA ISLAND ACQUISITION, LLC,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

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November 12, 2025

PARTIES TO THE PROCEEDINGS

Applicants The Glynn Environmental Coalition, Inc., Center for a Sustainable Coast, Inc., and Jane Fraser were the plaintiffs in the district court proceedings and the appellants in the court of appeals proceedings.

Respondent Sea Island Acquisition, LLC was the defendant in the district court proceedings and the appellee in the court of appeals proceedings.

RELATED CASES

Decisions Under Review

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC (11th Cir. Aug. 29, 2025) (No. 24-10710) (order denying rehearing)

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC, 146 F.4th 1080 (11th Cir. July 29, 2025) (No. 24-10710) (affirming dismissal of complaint following remand)

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC, 2024 WL 1088585 (S.D. Ga. Mar. 1, 2024) (CV 219-050) (granting motion to dismiss following remand)

Prior, Related Decisions

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC, 26 F.4th 1235 (11th Cir. Mar. 3, 2022) (No. 21-10676) (vacating order of dismissal)

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC, 2021 WL 313626 (S.D. Ga. Jan. 29, 2021) (CV 219-050) (granting motion to dismiss)

Glynn Envtl. Coal., Inc., et al. v. Sea Island Acquisition, LLC, 2020 WL 10692079 (S.D. Ga. Mar. 9, 2020) (CV 219-050) (granting motion to dismiss with leave to amend)

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To the Honorable Clarence Thomas, Associate Justice of the United States Supreme Court and Circuit Justice for the Eleventh Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicants The Glynn Environmental Coalition, Inc., Center for a Sustainable Coast, Inc., and Jane Fraser respectfully request a 60-day extension of time, up to and including January 26, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

The court of appeals entered its judgment and issued an opinion on July 29, 2025, and denied rehearing on August 29, 2025. The court of appeals' opinion is reported at 146 F.4th 1080 and attached hereto as Exhibit A; the order denying rehearing is attached hereto as Exhibit B. The petition would be due on November 27, 2025, and this application is made at least 10 days before that date. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

1. This case presents an important question regarding whether a waiver accompanying a preliminary jurisdictional determination by the U.S. Army Corps of Engineers that expressly precludes "any challenge . . . in any Federal court" applies in citizen suits alleging violations related to the permitted activity. The Eleventh Circuit acknowledged that, "[o]n its face, the capacious language of the waiver would seem to encompass citizen suits against violations of the permit." *Glynn*

Env't Coal., Inc. v. Sea Island Acquisition, LLC, 146 F.4th 1080, 1086 (11th Cir. 2025). Yet it nonetheless construed the waiver not to encompass citizen suits, citing “context.” *Id.* at 1086-87. The Eleventh Circuit’s erroneous, atextual construction of the Corps’ standard waiver undermines uniform administration of Clean Water Act § 404 permits and accompanying waivers.

2. The 60-day extension to file a certiorari petition is necessary because undersigned counsel only recently has been retained in this case and needs the additional time to review the record and prepare the petition and appendix in light of other, previously engaged matters in this and other courts, including: (1) oral argument in this Court in *Rutherford v. United States*, No. 24-820 (argued Nov. 12, 2025); (2) a certiorari petition in this Court in *Miami Township Board of Trustees v. Gillispie* (due Nov. 20, 2025); (3) oral argument in Georgia State Court for Cobb County in *Barnes v. Monsanto Co.*, No. 21-A-444 (scheduled for Nov. 24-25, 2025); (4) a reply brief in this Court in *Rahman v. Bondi*, No. 25-81 (due Dec. 23, 2025); and (5) a reply brief in this Court in *Shelby County v. Couser*, No. 25-419 (due Dec. 23, 2025).

For all these reasons, there is good cause for a 60-day extension of time, up to and including January 26, 2026, within which to file a certiorari petition in this case to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

Respectfully submitted,

A handwritten signature in blue ink that reads "David C. Frederick". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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