

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

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RAJEH A. SAADEH,

*Applicant,*

*v.*

NEW JERSEY STATE BAR ASSOCIATION,

*Respondent.*

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**Application for Extension of Time to File a Petition for Writ of Certiorari  
to the Superior Court of New Jersey, Appellate Division**

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January 6, 2026

Attorneys for Applicant

**To the Honorable Samuel A. Alito, Associate Justice and Circuit Justice for the Third Circuit:**

Per 28 U.S.C. §2101(c) and this Court’s Rules 13.5, 22, and 30.3, Rajeh A. Saadeh respectfully requests that his time to file a petition for a writ of certiorari be extended another 30 days, to February 16, 2026. Your Honor previously granted Saadeh a 30-day extension. *See* Docket, No. 25A626 (Dec. 1, 2025). Applicant seeks a second, final extension to account for his counsel’s new competing obligations. He is filing this application at least ten days before the current deadline of January 17. *See* Sup. Ct. R. 13.5. This Court has jurisdiction under 28 U.S.C. §1257(a).

**Background**

As Applicant previously explained, this case concerns whether racial and other status-based discrimination, when done in the name of “diversity and inclusion,” is shielded by the First Amendment. A state appellate court held that a private bar association’s discriminatory leadership quotas were exempt from antidiscrimination laws, reasoning that barring the quotas would “infringe [the association’s] ability to advocate the value of diversity and inclusivity.” 1st-Appl.-App.A at 26 (citing *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000)). Applicant timely petitioned the New Jersey Supreme Court for review, which was denied on September 19, 2025. 1st-Appl.-App.B. Your Honor granted Applicant a 30-day extension to file his certiorari petition, making the current deadline January 17, 2026 (really January 20, given the weekend and federal holiday).

**Reasons for Granting an Extension of Time**

The time to file a petition for a writ of certiorari should be extended by another 30 days, to February 16, 2026.

1. Applicant added new counsel for this Court: Consovoy McCarthy PLLC and the Antonin Scalia Law School Supreme Court Clinic. Since the initial extension, counsel has incurred new competing, time-sensitive obligations, including a mediation in New York City and an expedited briefing schedule and hearing in the District of D.C. An additional 30-day extension will allow counsel to balance these competing obligations, while also coordinating with the law students at Scalia Law School who are helping work on this case.

2. Respondent will not be prejudiced by an extension. As the winner below, the status quo currently favors Respondent. This extension will be Applicant's last, and it will not affect the Term in which the case would be heard.

3. As previously explained, the forthcoming petition presents an important question of federal law that this Court should resolve. By holding that racial and other status-based quotas are shielded by the First Amendment as expressions of "diversity," the decision conflicts with this Court's precedents, which have long held that prohibitions on discrimination are "resistant to First Amendment challenges." *AAER v. Fearless Fund Mgmt.*, 103 F.4th 765, 779 n.7 (11th Cir. 2024) (citing *Runyon v. McCrary*, 427 U.S. 160 (1976); *Hishon v. King & Spalding*, 467 U.S. 69 (1984)). The decision below turns this Court's narrow decision in *Dale* into a gaping exception to antidiscrimination laws when the status-based discrimination furthers so-called "diversity." Many are pointing to it as "a roadmap to organizations seeking to uphold" their otherwise illegal "diversity initiatives." *Using the First Amendment to Uphold DEI Initiatives*, Clark Hill (Feb. 7, 2025), [perma.cc/3NKW-XF7U](https://perma.cc/3NKW-XF7U).

### Conclusion

For all these reasons, the time to file a petition for a writ of certiorari in this matter should be extended another 30 days, to February 16, 2026.

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