

IN THE SUPREME COURT OF THE UNITED STATES

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No. 25A\_\_\_\_

UNITED STATES DEPARTMENT OF LABOR AND  
LORI CHAVEZ-DEREMER, SECRETARY OF LABOR

v.

SUN VALLEY ORCHARDS, LLC

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APPLICATION 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 THIRD CIRCUIT

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Pursuant to Rules 13.5 and 30.2 of the Rules of this Court, the Solicitor General -- on behalf of applicants United States Department of Labor and Lori Chavez DeRemer, Secretary of Labor -- respectfully requests a 30-day extension of time, to and including February 12, 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 Third Circuit in this case.

The opinion of the court of appeals (App., infra, 1a-20a) is reported at 148 F.4th 121. The court entered its judgment on July 29, 2025, and denied a petition for rehearing on October 15, 2025 (App., infra, 21a). Unless extended, the time within which to file a petition for a writ of certiorari will expire on January 13, 2026.

1. Under the H-2A nonimmigrant visa program, U.S. employers may temporarily hire foreign laborers to perform seasonal agricultural work. See 8 U.S.C. 1101(a)(15)(H)(ii)(a). Respondent Sun Valley Orchards, a farm in New Jersey, relies on seasonal workers hired through the H-2A program to pick fruits and vegetables. See App., infra, 5a-6a.

The Department of Labor, which administers the H-2A program alongside the Department of Homeland Security, initiated an administrative proceeding alleging that respondent violated the regulations governing the H-2A program. See App., infra, 6a. The agency alleged, among other things, that respondent did not provide appropriate housing, kitchen access, or transportation to workers and that respondent had forced some workers to leave before the end of their guaranteed minimum period of employment. See id. at 6a-8a. An administrative law judge found respondent liable for \$211,800 in civil penalties and \$344,945.80 in back wages. See id. at 8a-9a. The Department of Labor's Administrative Review Board affirmed that decision. See id. at 9a.

Respondent filed this suit in the U.S. District Court for the District of New Jersey, claiming (as relevant here) that the agency had "adjudicated private rights in violation of Article III of the Constitution." App., infra, 9a. The court rejected that argument and granted the government's motion to dismiss the complaint. Id. at 9a-10a.

The Third Circuit reversed and remanded. App., infra, 1a-20a. The court determined that the claims at issue here involve private rights that must be adjudicated by Article III courts rather than public rights that may be adjudicated by an executive agency. See id. at 10a-20a. The court reasoned that the claims at issue “sounded partially in contract” and that the agency “sought common law remedies: civil penalties and back wages.” Id. at 13a-14a. The court then denied the government’s petition for rehearing. See id. at 21a.

2. The Solicitor General has not yet determined whether to file a petition for a writ of certiorari in this case. The additional time sought in this application is needed to continue consultation within the government and to assess the legal and practical impact of the court of appeals’ decision. Additional time is also needed, if a petition is authorized, to permit its preparation and printing.

Respectfully submitted.

D. JOHN SAUER  
Solicitor General  
Counsel of Record

DECEMBER 2025