

No. _____

In the Supreme Court of the United States

RICHARD ROSE et al.,

Applicants/Petitioners

v.

BRAD RAFFENSPERGER, in his official capacity as
Secretary of State of the State of Georgia

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 Eleventh Circuit

**APPLICATION TO THE HONORABLE JUSTICE
CLARENCE THOMAS AS CIRCUIT JUSTICE**

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

Applicants Richard Rose, Brionté McCorkle, Wanda Mosley, and James “Major” Woodall respectfully request an extension of time to file a petition for a writ of certiorari in this matter. This case is a challenge under Section 2 of the Voting Rights Act to Georgia’s at-large method of electing members of its Public Service Commission.

The Applicants seek an extension here because this Court’s decision in *Louisiana v. Callais*, No. 24-109, and other pending Section 2 cases could have a material impact on the Applicants’ decision whether to seek certiorari.*

* Other pending Section 2 cases that could affect this appeal include *Turtle Mountain Band of Chippewa Indians v. Howe*, No. 25-253; *State Board of Election Commissioners v. Mississippi State Conference of the NAACP*, No. 25-234; and *Allen v. Milligan*, No. 25-274.

At the time of this filing, the Secretary of State has not yet responded to a request for his position on this motion. Applicants will notify the Court of the Secretary's position once it is communicated to them.

Jurisdiction

The Applicants seek review of the Eleventh Circuit's judgment entered on November 25, 2025 (attached as Exhibit 1). Under Supreme Court Rule 13.1, a petition for a writ of certiorari is currently due on February 23, 2026.

Upon the timely filing of a petition for a writ of certiorari, this Court would have jurisdiction over the Eleventh Circuit's judgment under 28 U.S.C. § 1254(1).

Reasons for Granting an Extension of Time

The Court should grant an extension of time for the following reasons:

1. After years of litigation over the method of electing Georgia's Public Service Commission, the plaintiffs here—four Black voters—prevailed at a bench trial in 2022. The Eleventh

Circuit later reversed, holding that the district court had committed an error of law by failing to apply a standard for racial vote dilution that no court had ever previously applied to a multimember commission like the PSC. The Court did not suggest that the plaintiffs could not meet that standard in this case, and it remanded the case to the district court without any instruction to dismiss.

The plaintiffs then sought to amend their complaint to conform to the Eleventh Circuit's new standard. But the district court denied leave to do so, concluding (among other things) that the plaintiffs should have amended their complaint years earlier, after the district court had *rejected* the very standard that the Eleventh Circuit later adopted. The Eleventh Circuit then affirmed, ruling that the district court did not abuse its discretion in denying leave to amend, while noting that "the plaintiffs are free to file a new suit" challenging PSC elections under the Eleventh Circuit's new standard.

2. A significant prospect exists that this Court will grant certiorari and reverse the Eleventh Circuit. The Eleventh Circuit’s opinion conflicts with this Court’s decision *Pullman-Standard v. Swift*, 456 U.S. 273, 291 (1982). There, this Court held that “[w]hen an appellate court discerns that a district court has failed to make a finding because of an erroneous view of the law, the usual rule is that there should be a remand for further proceedings to permit the trial court to make the missing findings.” *Id.*; *see also, e.g., Gill v. Whitford*, 585 U.S. 48, 72-73 (2018) (remanding a voting case “so that the plaintiffs may have an opportunity to prove [standing] using evidence” meeting a newly-announced standard); *ALBC v. Alabama*, 575 U.S. 254, 262 (2015) (holding that when the district court’s decision “reflects an error about relevant law,” plaintiffs in a voting case must be permitted to “reargue” their claims and “introduce such further evidence”).

3. *Callais* was reargued to this Court on October 15, 2025. That case directly involves the constitutionality of Section 2 of the Voting Rights Act and the standards that a Section 2 plaintiff must

meet in order to establish liability. There is no question that the outcome of that case could affect this one.

Callais has already frozen several other cases. This Court appears to be holding three appeals presenting the question whether private individuals can sue under Section 2. See *Turtle Mountain*, No. 25-253; *State Bd. of Election Comm'rs*, No. 25-234; and *Allen*, No. 25-274. All of these cases were set for a conference on November 21 and have yet to be acted upon. And the Eleventh Circuit has stayed an Alabama Section 2 appeal pending the resolution of *Callais*. See *Alabama State Conf. NAACP v. Allen*, No. 25-13007 (Dec. 12, 2025).

Granting an extension here would conserve the parties' resources and, ultimately, those of the Court.

4. An extension will cause no prejudice to the respondent.

Conclusion

For the foregoing reasons, the Applicants respectfully request a 60-day extension of time to file a petition for a writ of certiorari

up to and including April 24, 2026, or, in the alternative, 60 days following this Court's disposition of *Callais*.

Respectfully submitted,

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