

No. \_\_\_\_\_

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**Supreme Court of the United States**

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DO NO HARM, a nonprofit corporation  
incorporated in the State of Virginia,

*Petitioner,*

*v.*

WILLIAM LEE, in his official capacity as  
Governor of the State of Tennessee,

*Respondent.*

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*On Petition for Writ of Certiorari to the  
U.S. Court of Appeals for the Sixth Circuit*

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**APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH,  
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE FOR THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH  
CIRCUIT, FOR AN EXTENSION OF TIME WITHIN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI**

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*Counsel for Petitioner*

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Do No Harm respectfully requests a 30-day extension of time to file its Petition for a Writ of Certiorari in this Court, up to and including Wednesday, September 30, 2026.

### **RULE 29.6 CORPORATE DISCLOSURE STATEMENT**

Petitioner is a nonprofit organization. No parent corporations and no publicly held corporation holds any stock in the Petitioner.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is the Order of the United States Court of Appeals for the Sixth Circuit entered on June 2, 2026, in *Do No Harm v. Lee*, No. 24-5937 (6th Cir. June 2, 2026) (attached as Exhibit 1). The Order dismissed Petitioner's appeal as moot but declined to vacate the district court's adverse standing ruling. The current deadline within which to file a Petition for Writ of Certiorari is Monday, August 31, 2026. This application is being filed more than ten days in advance of that date.

### **JURISDICTION**

This case arose under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. Petitioner Do No Harm, a nonprofit membership organization, challenged Tennessee statutes requiring the Governor to "strive to ensure" that at least one member of a racial minority serves on the Board of Podiatric Medical Examiners. The

United States District Court for the Middle District of Tennessee dismissed the action for lack of standing, and Petitioner appealed. After the Tennessee legislature repealed the challenged statutes, mooted the appeal, the Sixth Circuit dismissed without vacating the district court's adverse standing ruling. This Court has jurisdiction over a timely filed petition pursuant to 28 U.S.C. § 1254.

### **REASONS FOR GRANTING EXTENSION OF TIME**

Good cause exists for the requested extension. First, the questions presented are substantial and warrant careful preparation. The Sixth Circuit's Order raises an important and recurring question of federal law: whether a court of appeals may deny *Munsingwear* vacatur of an adverse lower-court judgment solely because the movant has not independently demonstrated that the unreviewed ruling will have a preclusive effect in future litigation. The Sixth Circuit applied a two-part test—requiring the movant to prove both non-causation of mootness and preclusive effect—that conflicts with *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950), *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18 (1994), and the approach of several other circuits. Careful preparation of the petition, including a thorough survey of the circuit conflict and presentation of the equitable framework governing vacatur, requires additional time.

Second, counsel for Petitioner has significant competing obligations in this Court and in other federal appellate and trial-court matters that cannot be deferred. Additional time would greatly assist counsel in preparing an

effective petition. This is Petitioner's first request for an extension of time. Petitioner is not aware of any party that would be prejudiced by the requested extension.

### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a 30-day extension of time, up to and including Wednesday, September 30, 2026, within which to file a Petition for a Writ of Certiorari.

DATED: August 7, 2026.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. Mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: August 7, 2026.

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