

No. _____

In the Supreme Court of the United States

JUSTIN JOBES,
Applicant,

v.

CITY OF BELLEVUE,
Respondent.

**On Application for Extension of Time to File a
Petition for a Writ of Certiorari to the United
States Court of Appeals for the Ninth Circuit**

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR A WRIT OF CERTIORARI**

DAVID J. SCHEXNAYDRE
Counsel of Record
SCHEXNAYDRE LAW FIRM, LLC
2895 Hwy 190, Ste. 212
Mandeville, LA 70471
(985) 292-2020
david@schexnaydre.com
Counsel for Applicant

**APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Applicant Justin Jobes (“Applicant”), through undersigned counsel and pursuant to Supreme Court Rules 13.5, 22, and 30, respectfully requests a 60-day extension of time, from October 19, 2026 through and including December 18, 2026, within which to file a Petition for a Writ of *Certiorari* seeking review of the judgment of the United States Court of Appeals for the Ninth Circuit in *Justin Jobes v. City of Bellevue*, No. 24-6656.

In support of this request, Applicant states:

1. On May 27, 2026 (App:1a), in an unpublished memorandum disposition, the Ninth Circuit affirmed the district court’s grant to Respondent of summary judgment under Fed. R. Civ. P. 56 on Applicant’s claims for failure to accommodate his religious beliefs under Title VII of the Civil Rights Act of 1964.
2. On July 20, 2026 (App:2a), the Ninth Circuit denied Applicant’s timely petition for panel rehearing and/or rehearing en banc.
3. On July 28, 2026, the mandate issued.
4. Applicant’s Petition for a Writ of *Certiorari* is due on October 19, 2026. *See* Sup. Ct. R. 13.1, 30.1. Pursuant to Rule 13.5, this application is submitted at least ten days before that date. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(1).

5. Applicant's counsel in the proceedings below has not undertaken representation in connection with a petition for a writ of certiorari. The undersigned counsel has agreed to represent Applicant for the limited purpose of seeking this extension. Additional time is necessary to secure counsel for the Petition and to permit a thorough evaluation of the appellate record, the decisions below, and the questions warranting this Court's review.

6. On August 21, 2026—after rehearing was denied and after the mandate issued—the Ninth Circuit published *Cherry v. Washington Department of Fish & Wildlife*, No. 25-4763, which addresses when reassignment to alternative employment constitutes a reasonable accommodation under Title VII. *Cherry* did not announce a new legal standard. It applied existing Ninth Circuit precedent requiring that an employer's proposed accommodation reasonably preserve the employee's compensation, terms, conditions, and privileges of employment. That distinction matters here because the panel affirmed summary judgment in Applicant's case based substantially on Respondent's identification of alternative positions outside Applicant's established position as a career firefighter. Additional time is necessary to evaluate the relationship between *Cherry* and the decisions below, and to frame any question presented with the precision appropriate for this Court's review.

7. On September 28, 2026, Applicant filed a motion to recall the Ninth Circuit's mandate and reconsider the panel's disposition in light of *Cherry*. That motion remains pending as of the date of this application. Its disposition may

materially affect both the procedural posture of this case and the questions presented for this Court’s review. Applicant recognizes that the pending motion neither suspends nor extends the deadline for filing a Petition for a Writ of *Certiorari*. Applicant accordingly seeks this extension under Rule 13.5 to preserve his opportunity for this Court’s review while the Ninth Circuit is evaluating his request for reconsideration.

CONCLUSION

Applicant Justin Jobs respectfully requests that the time within which to file his Petition for a Writ of *Certiorari* be extended 60 days, from October 19, 2026 through and including December 18, 2026.

October 9, 2026

Respectfully submitted,

/s/ David J. Schexnaydre

Counsel of Record

SCHEXNAYDRE LAW FIRM, LLC

2895 Hwy 190, Ste. 212

Mandeville, LA 70471

(985) 292-2020

david@schexnaydre.com

CERTIFICATE AS TO FORM

Pursuant to Sup. Ct. Rules 22 and 33, I certify that the foregoing application is proportionately spaced, has a typeface of Century Schoolbook, 12 point, and contains 3 pages (and 569 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

CERTIFICATE OF SERVICE

The undersigned certifies that, on the 9th day of October, 2026, in addition to filing the foregoing document—together with its appendix—via the Court’s electronic filing system, one true and correct copy of the foregoing document was served by PDF courtesy copy served via electronic mail on the following counsel:

Denise Ashbaugh
Arête Law Group PLLC
600 University Street, Suite 2420
Seattle, WA 98101
(206) 428-3250
dashbaugh@aretelaw.com
Counsel for Respondent City of Bellevue

Jonah O. Harrison
Arête Law Group PLLC
600 University Street, Suite 2420
Seattle, WA 98101
(206) 428-3250
jharrison@aretelaw.com
Counsel for Respondent City of Bellevue

Chad R. Barnes
Bellevue City Attorney's Office
450 110th Ave. N.E.
P.O. Box 90012
Bellevue, WA 98009-9012
(425) 452-6829
cbarnes@bellevuewa.gov
Counsel for Respondent City of Bellevue

The undersigned further certifies that, on this 9th day of October, 2026, an original and two true and correct copies of the foregoing document and its appendix were sent electronically, with paper copies following by Priority Mail delivery to the Court. All parties required to be served have been served.

Executed October 9, 2026

/s/ David J. Schexnaydre
David J. Schexnaydre