

IN THE
Supreme Court of the United States

SAMUEL RONAN, ET AL.,
Applicants,

v.

FRANK LAROSE, ET AL.,
Respondents.

**Application for Extension of Time Within
Which to File a Petition for a Writ of Certiorari to
the United States Court of Appeals for the Sixth Circuit**

**APPLICATION TO THE HONORABLE JUSTICE
BRETT M. KAVANAUGH, AS CIRCUIT JUSTICE**

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APPLICATION FOR EXTENSION OF TIME

Under this Court's Rule 13.5, Applicants Samuel Ronan and Ana Cordero respectfully request a 30-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the Order Granting Mot. To Dismiss, Dkt. No. 32, *Ronan v. LaRose*, 26-3272 (6th Cir. June 24, 2026), attached as Exhibit 1.

JURISDICTION

This Court will have jurisdiction over any timely petition under 28 U.S.C. § 1257(1). The Sixth Circuit denied a timely petition for rehearing on July 22, 2026 (Exhibit 2). Thus, under Rule 13.1, a petition to this Court is currently due by October 21, 2026. In accordance with Rule 13.5, this application is being filed at least 10 days before that date.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. This case involves an important question of constitutional law dividing the federal appellate courts: Is vacatur of an interlocutory order appropriate for matters that become moot at the appellate stage by no fault of the appellant and the case remains alive in the district court?

2. Samuel Ronan was removed from the primary election ballot by Frank LaRose and the Franklin County Board of Elections because of a Facebook post. After filing suit for First Amendment and Elections Clause rights violations, the district court granted a fourteen-day temporary restraining order. Following an expedited discovery period, an evidentiary hearing for a preliminary injunction was held, resulting in the court denying the injunction and dissolving the temporary restraining order.

3. On appeal, one month before the election was to take place and just days before mail-in ballots were accepted, Ronan requested a preliminary injunction and a stay of the district court proceedings. The Sixth Circuit denied these requests for emergency relief and, shortly thereafter, the election came and went. Respondents subsequently filed a motion to dismiss for mootness, which Ronan joined, arguing the election offered the only avenue for relief. Ronan, however, also requested vacatur of the interlocutory order denying the preliminary injunction by the district court. Ruling in favor of the motions to dismiss, the Sixth Circuit agreed that the case had become moot but declined to vacate the interlocutory order. Ronan's attempts to remedy via *en banc* rehearing were denied.

4. This outcome, appellate dismissal of an interlocutory order for mootness *without* vacating the order, conflicts with not only the Sixth Circuit's precedent, but with decisions from this court and other circuits. The preeminent case on this issue is *United States v. Munsingwear*, in which this court held that vacatur is proper

upon a finding of mootness to “clear[] the path for future relitigation of the issues” and preserve the rights of all parties without prejudicing them with a preliminary decision. 340 U.S. 36, 40 (1950). The Sixth Circuit previously followed *Munsingwear* in other elections cases, such as *Brown v. Yost*, which vacated an order denying a request for preliminary injunction following a finding of mootness after the election had passed. 122 F.4th 597, 603 (6th Cir. 2024) (en banc) (citing *United States v. Munsingwear*, 340 U.S. 36 (1950)). So does the D.C. Circuit. *See Animal Legal Defense Fund v. Shalala*, 53 F.3d 363, 366 (D.C. Cir. 1995) (vacating denial of a preliminary injunction although the underlying dispute “remains alive”). The Eighth Circuit does as well. *See Forbes v. Ark. Educ. Television Comm. Network Found.*, 982 F.2d 289, 289 (8th Cir. 1992) (directing vacatur of a preliminary injunction denial when the appeal became moot even though damages claims remained pending).

5. The Fifth Circuit, however, declined to follow this methodology, holding vacatur to be unnecessary when an interlocutory injunction becomes moot. *See U.S. Navy Seals 1-26 v. Biden* 72 F.4th 666 (5th Cir. 2023). The court stated that “[t]here is no need to vacate the preliminary injunctions because they no longer have any practical effect on the parties. ‘[I]f the case remains alive in the district court, it is sufficient to dismiss the appeal without directing that the injunction order be vacated.’” *Id.* at 676 n.10 (quoting 13C Alan Wright, Arthur Miller, & Edward H. Cooper, Fed. Prac. and Proc. § 3533.10.3 (3d ed. April 2023)). Dismissal without

vacatur was described as the “usual practice” for interlocutory appeals while the litigation continues. *Fleming v. Gutierrez*, 785 F.3d 442, 449 (10th Cir. 2015). Other courts have followed this decision, albeit for different rationales, causing confusion and conflict among the circuits. *See also Fleet Feet, Inc. v. NIKE*, 986 F.3d 458, 466 (4th Cir. 2021) (denying vacatur because preliminary injunctions have “no preclusive effect”).

6. An extension is also warranted to allow counsel time to coordinate and prepare a petition that will aid the Court’s review of these issues. Applicant has invited the Carter G. Phillips Supreme Court Clinic and Northwestern Pritzker School of Law to assist with preparation of the petition. Because the academic year has recently begun, the Clinic students are just becoming familiarized with the caseload and functions of the clinic and the requirements of this Court. In addition, the Clinic is responsible for forthcoming petitions for writs of certiorari in *Nourian v. United States* (5th Cir. No. 25-10365) (currently due October 19); *Martinez v. United States* (9th Cir. No. 23-432) (currently due October 21); and *Darby v. United States* (3d Cir. No. 24-3091) (currently due December 1). Undersigned counsel is also responsible for briefing and preparation for oral argument in *Guerrero v. Dexter Johnson* (No. 25-1003) (merits), preparation of an amici brief in *Alvarez v. Guerrero* (No. 26-279) (cert stage amicus), and motions to dismiss in *In Re HVAC Equipment Antitrust Litigation*, No. 2:26-cv-10949 (E.D. Mich. 2026) (due October 9).

CONCLUSION

For these reasons, Applicants respectfully request a 30-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

Respectfully submitted,

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