

No. 26A_____

IN THE
Supreme Court of the United States

JANE DOE 1 AND JANE DOE 2,

Applicants,

v.

META PLATFORMS, INC.,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

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

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**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION
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TO: Justice Elena Kagan, Circuit Justice for the Ninth Circuit:

Under this Court's Rules 13.5 and 22, Applicants Jane Doe 1 and Jane Doe 2 request an extension of 30 days to file a petition for a writ of certiorari in this case. Their forthcoming petition will seek review of the Ninth Circuit's decision in *Doe v. Meta Platforms, Inc.*, 174 F.4th 1159 (9th Cir. 2026). A copy of the decision is attached. *See* App. 1-39.

1. The Ninth Circuit issued its decision on April 28, 2026, and denied a timely petition for rehearing on August 17, 2026. App. 40. Without an extension, a petition for a writ of certiorari would be due on November 16, 2026 (Monday). *See* Sup. Ct. R. 13, 30.1. With the requested extension, the petition would be due on December 16, 2026. This Court's jurisdiction will be based on 28 U.S.C. § 1254(1).

2. This case concerns the scope of the statute commonly referred to as Section 230 of the Communications Decency Act, which bars claims that treat an internet platform "as the publisher" of third-party content. 47 U.S.C. § 230(c)(1).

Applicants Jane Doe 1 and Jane Doe 2 are members of the Rohingya community, a religious minority from the Rakhine State in Burma. They allege that Facebook's algorithms contributed to the genocide targeting the Rohingya by actively encouraging the creation of posts inciting anti-Rohingya violence and recommending those posts to the Facebook users most likely to act on them.

Applicants filed a complaint against Meta asserting products-liability and other state-law claims. The district court dismissed the complaint and a panel of

the Ninth Circuit affirmed. The panel concluded that applicants' claims were barred by Ninth Circuit precedent holding that an internet platform's "recommendation and matching conduct" is "the work of publishers" and thus shielded from liability under Section 230. App. 17. But all three members of the panel emphatically disagreed with that precedent. Judge Nelson explained that the Ninth Circuit has "overread Section 230, straying from the original public meaning of the statutory text." *Id.* at 29. Judges Berzon and Fletcher likewise emphasized that the Ninth Circuit has "stretched the term 'publisher' in section 230 past the point of recognition." *Id.* at 21.

3. This case is a serious candidate for plenary review. The Court previously granted certiorari "to review the Ninth Circuit's application of § 230," but ultimately did not reach that issue because it resolved the case on other grounds. *Gonzalez v. Google LLC*, 598 U.S. 617, 622 (2023) (per curiam). Since then, the question presented has only become more certworthy. In 2024, for example, the Third Circuit "depart[ed] from" the Ninth Circuit's approach. *Anderson v. TikTok, Inc.*, 116 F.4th 180, 184 n.13 (3d Cir. 2024). Applicants' forthcoming petition will present the Court with an opportunity to resolve that acknowledged "intercircuit conflict." App. 28.

4. This application for a 30-day extension seeks to accommodate applicants' legitimate needs. Applicants have recently affiliated with undersigned counsel at the Stanford Law School Supreme Court Litigation Clinic. The extension is needed for new counsel to familiarize themselves with

the record, decision below, and relevant case law, and to allow adequate time to prepare the petition.

5. For these reasons, applicants request that the due date for their petition for a writ of certiorari be extended to December 16, 2026.

Respectfully submitted,

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