IN THE
SUPREME COURT OF THE UNITED STATES

No. 26A559

Air Force Officer, Air Force NCO, Air Force Special Agent, and Air Force Engineer, on behalf of themselves and all others similarly situated,

Applicants,

v.

Lloyd J. Austin III, in his official capacity as Secretary of Defense, Frank Kendall III, in his official capacity as Secretary of the Air Force, and Robert I. Miller, in his official capacity as Surgeon General of the Air Force,

Respondents,

CONSENTED APPLICATION TO THE HON. CLARENCE THOMAS FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Pursuant to Supreme Court Rule 13.5, and with Respondents' consent, Applicants Air Force Officer, Air Force NCO, Air Force Special Agent, and Air Force Engineer hereby move for an extension of time of 29 days, to and including December 24, 2026, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be November 25, 2026.

This is Applicants' second request for an extension. On October 21, 2026, Justice Thomas granted Applicants' first application for a 30-day extension, which extended the deadline from October 26, 2026 to November 25, 2026.

In support of the present request, Applicants state as follows:

1. Respondents consent to this request for additional time.

2. The parties have been discussing a potential settlement of the case, and have had some recent, productive discussions. Applicants hope and expect the parties will finalize a settlement soon. Applicants request additional time to file a petition for a writ of certiorari, pending the parties' settlement discussions and potential finalization of a settlement.

3. This case involves a challenge to the Air Force's religious accommodation request process under the Religious Freedom Restoration Act (RFRA) and the First Amendment.

4. Applicants are Air Force service members who were denied religious accommodations to the Air Force's COVID-19 vaccine mandate under the Air Force's unlawful religious accommodation process. The mandate has been rescinded, but the Applicants who are still in service remain hesitant to invoke the religious accommodation process again as to other requirements, because the process still has not been fixed. Applicants seek relief for themselves and all similarly situated Air Force service members.

5. The parties are working in good faith to try to settle this case.

6. Applicants anticipate the parties will need some extra time to finalize a settlement.

7. The requested extension would allow the parties to focus their efforts on finalizing a settlement, which, if achieved, would obviate the need for a petition for writ of certiorari and would conserve the resources of the Court and the parties.

8. If the parties do not finalize a settlement soon, Applicants intend to file their petition for a writ of certiorari but would need some extra time to turn their focus from settlement efforts to preparing an appropriate petition.

9. Accordingly, for good cause, in the interests of conserving the Court's and the parties' resources, and with Respondents' consent, Applicants request an extension of their deadline to file a petition for certiorari by 29 days.

10. Applicants will not seek any additional extensions of its deadline to file a petition for certiorari.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including December 24, 2026, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,

/s/ Stephen M. Crampton
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Counsel for Applicants

November 13, 2026

CERTIFICATE OF SERVICE

Pursuant to Supreme Court Rule 29.5, the undersigned, a member of the Bar of this Court, hereby certifies that on November 13, 2026, a copy of the foregoing was served by email and by third-party commercial carrier for delivery within three calendar days on:

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