

No. 22-3326

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS,

Petitioner-Appellant,

v.

UNITED STATES,

Respondent-Appellee.

On Appeal from the United States District Court for the District of Minnesota
No. 20-mc-82-PJS-TNL (Hon. Patrick J. Schiltz)

Petitioner-Appellant's Consent Motion for Extension of Time

SUBMITTED BY:

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Pursuant to Federal Rule of Appellate Procedure 27, Petitioner-Appellant Reporters Committee for Freedom of the Press (the “Reporters Committee”) respectfully requests a seven-day extension of time, from May 12, 2023, to and including May 19, 2023, to file its Reply Brief in the above-captioned case. This is the Reporters Committee’s first request for an extension for the Reply. Respondent-Appellee the United States of America (the “Government”), represented by the United States Attorney for the District of Minnesota, consents to this request.

In support of its motion, the Reporters Committee states the following:

1. According to Federal Rule of Appellate Procedure 26(b), this Court may extend the time for filing a brief for “good cause.” Fed. R. App. P. 26(b).
2. This case presents a challenge to the Order in Case No. 20-mc-82-PJS-TNL in the District Court for the District of Minnesota, denying without prejudice the Reporters Committee’s Amended Application to Unseal Certain Surveillance Orders and Related Materials for lack of standing.
3. On February 27, 2023, this Court granted the Government’s Motion for Extension, and indicated that the Reporters Committee’s Reply Brief would “be due 28 days from the date the appellee’s response brief is filed on docket.”

4. On April 21, 2023, this Court entered a briefing schedule indicating that the Reporters Committee's Reply Brief is due on May 12, 2023, which is 21 days from when the Government's brief was filed.

5. The requested seven-day extension will allow Reporters Committee the previously granted 28 days to file its Reply Brief.

6. Additionally, lead counsel for the Reporters Committee works for a law school clinic at UC Berkeley School of Law, and has incorporated students into the action at hand so they can participate in and learn about federal appellate litigation. The students' final exams for the spring semester begin on May 2, 2023 and conclude on May 10, 2023. The current briefing schedule impedes the students' ability to contribute to this action.

7. In light of these commitments, among others, undersigned counsel requests a total of 28 days to prepare the Reporters Committee's Reply Brief in the above-captioned case.

8. Counsel for the Reporters Committee have consulted with counsel for the Government. The Government consents to this motion. Accordingly, the Reporters Committee request that the Court enter the following briefing schedule:

Appellant's Reply Brief: May 19, 2023

CONCLUSION

For the foregoing reasons, this Court should extend the time for filing the Reporters Committee's Reply Brief by seven days, to and including May 19, 2023.

Dated: April 25, 2023

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CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 416 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f). This count is from the word-count function of Microsoft Word.

2. This motion complies with the typeface and type style requirements of Fed. R. App. P. 27(d)(1)(e) because it conforms with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6). This motion has been prepared in a proportionally spaced typeface using Microsoft Word for Mac Version 16.72 (part of Microsoft Word for Office 365) in 14-point Times New Roman font.

3. Pursuant to Eighth Circuit Rule 28A(h)(2), this motion has been scanned for viruses and the motion is virus-free.

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Megan Graham