

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

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)	
Plaintiff – Appellee –)	
Cross-Appellant,)	
)	
v.)	
)	Nos. 14-4549, 14-4550
ATTORNEY GENERAL OF THE)	
UNITED STATES, et al.,)	
)	
Defendants – Appellants –)	
Cross-Appellees.)	
)	
)	
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UNOPPOSED RENEWED MOTION FOR A FOUR-DAY EXTENSION

Plaintiff-Appellee/Cross-Appellant Daniel Binderup requests a four (4) day extension of time to file his step-four reply brief, through and including June 26, 2015. Defendants-Appellants/Cross-Appellees do not oppose this request.

1. Defendants had previously sought and obtained a 30-day extension to file their step-three opposition and reply brief, to June 3, 2015. Accordingly, Plaintiff’s step-four reply brief would be due on Monday, June 22, 2015 (fourteen days from June 3, plus three days for electronic service, would be Saturday, June 20).

2. On May 11, 2015, Plaintiff moved for a four-day extension of time to file his step-four Reply Brief, from the then-projected due date of June 22 to June 26.

3. On May 15, 2015, the Court ordered that no action would be taken on Plaintiff's motion, that the due date would be set by the timing of the service of Defendants' step-three brief, and that "[i]f Appellee/Cross-Appellant requires additional time beyond the date established once the third-step brief is served, he may file a renewed motion for extension of time." Text Order, May 15, 2015.

4. Plaintiff now respectfully renews his request, as counsel's schedule has only become more challenging in the intervening time.

5. Plaintiff's counsel represents the appellants in *Richards v. Prieto*, Ninth Circuit No. 11-16255. The Ninth Circuit has set en banc argument in that case for the afternoon of June 16, 2015, in San Francisco.

6. Plaintiff's counsel represents the plaintiffs in *Wrenn v. District of Columbia*, U.S. Dist. Ct. D.D.C. No. 15-CV-162-FJS, wherein the plaintiffs obtained a preliminary injunction against enforcement of various D.C. statutes on May 18. Opposition to the defendants' motion for stay pending appeal is due June 22, with a reply due June 26. Plaintiffs in that case have also moved for an order to show cause why defendants should not be held in contempt. Opposition to that

motion is due June 22, with plaintiffs' reply due June 26. Both motions are set for argument on July 7, 2015.¹

7. Meanwhile, on June 10, the *Wrenn* defendants noticed an appeal to the D.C. Circuit and have given notice that they will today file a motion for stay pending appeal, along with a request for an immediate administrative stay. Plaintiffs' opposition to that motion would be due June 25.

8. Plaintiff's counsel also represents the plaintiffs in *Defense Distributed v. U.S. Dep't of State*, U.S. Dist. Ct. W.D. Tex. No. 15-CV-372-RP, wherein the plaintiffs have filed a motion for preliminary injunction set for hearing July 6, 2015.² Defendants' opposition was filed June 10, with plaintiffs' reply due June 24.

9. As Plaintiff related in his previous motion, preparation and travel to and from San Francisco for the *Richards* en banc argument would make it difficult to complete and file the reply brief in this case in only three business days following that argument. With four other briefs now due the week of June 22, four in matters where argument is impending, any extension at all would be welcome.

¹This argument date was set by the district court after this Court had set argument in this case for July 9. The *Wrenn* court has already rejected a motion to advance the argument date.

²July 6 was not among the dates for which this Court inquired into counsels' availability, and was the soonest practical date in *Defense Distributed*.

10. Accordingly, Plaintiff requests an additional four days to complete and file the reply brief, provided that this extension would not work to delay the argument. Counsel for Defendants has stated that he does not oppose this motion.

Wherefore, Plaintiff-Appellee/Cross-Appellant respectfully requests that the motion be granted, and that he have until and through June 26, 2015, to file his step-four reply brief.

Dated: June 11, 2015

Respectfully submitted,

/s/ Alan Gura

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2015, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Third Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Alan Gura
Alan Gura