

**[ORAL ARGUMENT NOT SCHEDULED]****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

IN RE: COMPETITIVE ENTERPRISE  
INSTITUTE, NATIONAL CENTER FOR  
TRANSGENDER EQUALITY, THE  
RUTHERFORD INSTITUTE, LAWSON  
BADER, and MARCSCRIBNER,

Petitioners.

No. 15-1224

**RESPONDENTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
FILE RESPONSE TO PETITION FOR A WRIT OF MANDAMUS**

With petitioners' consent, respondents Jeh Charles Johnson, Secretary of Homeland Security, and the Department of Homeland Security hereby move for an extension of twenty-one (21) days, to and including September 16, 2015, to file their response to the petition for a writ of mandamus in the above-captioned case.

In support of this motion, respondents state the following:

1. Petitioners filed the petition for a writ of mandamus on July 15, 2015, and on July 27, 2015, the Court ordered respondents to file a response by August 26, 2015. No previous extensions of time have been sought or granted.

2. Primary responsibility for the preparation of the government's response is assigned to Mark B. Stern and John S. Koppel of the Appellate Staff, Civil Division, U.S. Department of Justice. Mr. Stern will be out of the office on

previously scheduled annual leave from August 3, 2015, until August 24, 2015; Mr. Koppel also will be out of the office on previously-scheduled annual leave during the period between August 10, 2015, and August 24, 2015.

3. In addition, due to foreseeable summer vacation plans in August, we anticipate that numerous officials of respondent Department of Homeland Security, and other concerned government entities, whose input will be needed to prepare the government's response, will likewise be out of the office on annual leave between now and the current due date of the response.

4. Furthermore, Mr. Koppel is scheduled to present oral argument before this Court on behalf of the federal defendants-appellants in *District of Columbia, et al. v. Dep't of Labor, et al.*, Nos. 14-5132 & 14-5133, on September 10, 2015.

5. Hans F. Bader, Esq., lead counsel for petitioners, has authorized us to state that petitioners consent to this motion.

## CONCLUSION

For the foregoing reasons, the time to file the response to the petition for a writ of mandamus should be extended twenty-one (21) days, to and including September 16, 2015.

Respectfully submitted,

**/s/ Mark B. Stern**

MARK B. STERN  
(202) 514-5089

**/s/ John S. Koppel**

JOHN S. KOPPEL  
(202) 514-2495  
Attorneys, Appellate Staff  
Civil Division  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Room 7264  
Washington, D.C. 20530

AUGUST 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2015, I electronically filed the foregoing Motion with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system

**/s/ John S. Koppel**  
JOHN S. KOPPEL