

**No. 17-6238**

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

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WILLIAM H. THOMAS, JR.,  
Plaintiff-Appellee,

v.

JOHN SCHROER, Commissioner of Tennessee Department of Transportation,  
Defendant-Appellant,

and

JOHN H. REINBOLD; PATTI C. BOWLAN; ROBERT SHELBY; SHAWN  
BIBLE; and CONNIE GILLIAM,  
Defendants.

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On Appeal from the United States District Court for the  
Western District of Tennessee  
No. 2:13-cv-02987-JPM-cgc

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**UNOPPOSED MOTION OF WILLIAM H. THOMAS FOR EXTENSION  
OF TIME TO FILE APPELLEE'S RESPONSE BRIEF**

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Pursuant to Rule 26(b) of the Federal Rules of Appellate Procedure and Sixth Circuit Rule 26(a), Appellee William H. Thomas moves for an extension of time to file his response brief. After the Court granted Appellant John Schroer's second motion to extend, Mr. Thomas's response is due on February 26, 2018. (*See* ECF No. 19 at 1.)

The United States recently informed the Court that it may file an *amicus* brief related to the interests of the federal Department of Transportation, and it requested a 30-day extension from the February 2, 2018 deadline for *amici* writing in support of the appellee. If that motion is granted, the federal government's brief will be due on March 5, 2018. (*See* ECF No. 20 at 1-2.)

Mr. Thomas does not oppose that motion. But, assuming the extension is granted, the United States will file any brief after Mr. Thomas's response brief is due. Consequently, Mr. Thomas requests an extension to consider and respond to any arguments that may be raised by the United States.

An appellee generally has 23 days to consider the issues and arguments raised by an *amicus curiae*. *See* Fed. R. App. P. 29(a)(6) (requiring *amici* supporting appellant or supporting neither party to file within seven days of appellant's principal brief); *id.*, R. 31(a)(1) (requiring that appellee "serve and file a brief within 30 days after the appellant's brief is served").

While Mr. Thomas could file his response brief on February 26, 2018, and then seek to file an additional brief responding to the arguments raised in any *amicus* brief filed by the federal government, he instead requests an extension for his response brief that will allow for a more efficient use of the Court's and the parties' time and resources.

Accordingly, Mr. Thomas requests an extension of the deadline for his responsive brief to March 21, 2018. This represents a 16-day extension from the date by which the United States has indicated it will file any *amicus* brief in this case. This is Mr. Thomas's first request for an extension of time to file his response, and counsel for Mr. Schroer does not oppose this motion.

Dated: January 26, 2018

Allen Dickerson

*/s/ Owen Yeates*

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Owen Yeates

INSTITUTE FOR FREE SPEECH

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Rule 32(g)(1) of the Federal Rules of Appellate Procedure, I certify that the foregoing UNOPPOSED MOTION OF WILLIAM H. THOMAS FOR EXTENSION OF TIME TO FILE APPELLEE'S RESPONSE BRIEF complies with the type-volume limitation set forth in Rule 27(d)(2)(A) of the Federal Rules of Appellate Procedure. The Motion contains 357 words (does not exceed 5,200 words), excluding the parts exempted by Rule 32(f).

Dated: January 26, 2018

*/s/ Owen Yeates*

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Owen Yeates

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing UNOPPOSED MOTION OF WILLIAM H. THOMAS FOR EXTENSION OF TIME TO FILE APPELLEE'S RESPONSE BRIEF using the Court's CM/ECF system. A Notice of Docket Activity will be emailed to all registered attorneys currently participating in this case, constituting service on those attorneys:

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In addition, I certify that I have caused service of a copy of the foregoing on counsel for prospective *amicus* United States via U.S. Mail, First Class postage paid, to counsel at the address below:

Lindsey Powell, Attorney, Appellate Staff  
Civil Division, Room 7237  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, D.C. 20530  
P: 202-616-5372

Dated: January 26, 2018

/s/ Owen Yeates  
Owen Yeates