

In the Supreme Court of the United States

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, *ET AL.*, *Appellants*

v.

RICK PERRY, GOVERNOR OF TEXAS, *ET AL.*

TRAVIS COUNTY, TEXAS, *ET AL.*, *Appellants*

v.

RICK PERRY, GOVERNOR OF TEXAS, *ET AL.*

EDDIE JACKSON, *ET AL.*, *Appellants*

v.

RICK PERRY, GOVERNOR OF TEXAS, *ET AL.*

GI FORUM OF TEXAS, *ET AL.*, *Appellants*

v.

RICK PERRY, GOVERNOR OF TEXAS, *ET AL.*

**On Appeal from the United States District Court
for the Eastern District of Texas**

Application to File a Consolidated Appellees' Brief that Exceeds the Page Limit

TO THE HONORABLE ANTONIN SCALIA, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

The State of Texas; Rick Perry, Governor of Texas; Roger Williams, Secretary of State of Texas; David Dewhurst, Lieutenant Governor of Texas; and Tom Craddick, Speaker of the Texas House of Representatives (collectively the "State Appellees"), pursuant to Supreme Court Rule 33.1(d), file this application to file a consolidated Appellees' Brief that exceeds the usual fifty-page limit.¹

¹The State Appellees acknowledge that this request is being made twelve days in advance of the brief deadline, rather than the usual fifteen days. *See* SUP. CT. R. 33.1(d). Given the unusual nature of this case and its expedited schedule in which Appellees were only given twenty-one days to evaluate and respond to the Appellants' briefs, the request should nonetheless

Because the State Appellees are defending against four consolidated appeals, the filing of a consolidated brief should prove beneficial to the Court,² as well as the parties. A consolidated merits brief would be the most efficient way for the Appellees to respond to the eleven Questions Presented in the Appellants' Briefs. Likewise, one brief, rather than four, should prove most beneficial to the Court's consideration of the interrelationships between the various arguments.

In order for the Appellees to fully brief the eleven questions presented in a single consolidated brief—and thereby best assist the Court in resolving the issues in these cases—the State Appellees request permission to file a brief on the merits that exceeds the fifty-page limit, SUP. CT. R. 33.1(g). Appellees believe that a brief not exceeding 125 pages will enable the State Appellees to address each of the questions presented in a manner most beneficial to the Court. This brief would be shorter than the combined pages used by the Appellants (165 pages), even notwithstanding the 120 additional pages of briefing filed by three former Appellants for whom probable jurisdiction was not noted. Likewise, this consolidated brief would be shorter and more helpful than four separate 50-page merits briefs comprising 200 pages. For these reasons, the State Appellees make this application to file a single consolidated brief not to exceed 125 pages.

be granted in these “most extraordinary circumstances.” *Id.*

²*Cf. Massachusetts v. Shepard*, 468 U.S. 981 (1984); *United States v. Leon*, 468 U.S. 897 (1984); *Colorado v. Quintero*, No. 82-1711 (In these three similar cases, the United States was permitted to file a consolidated brief: as Petitioner in *Leon* and as *Amicus Curiae* in *Shepard* and *Quintero*.)

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January 20, 2006

CERTIFICATE OF SERVICE

I, R. Ted Cruz, hereby certify that I am a member of the Bar of the Court, and that I served all parties required to be served a true and correct copy of this Application by certified mail, return receipt requested, on January 20, 2006.

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The undersigned also certifies that on January 20, 2006 this Application to File a Consolidated Appellees' Brief and to Exceed the Page Limit, original and two copies thereof, was dispatched to the Clerk, as addressed below, via UPS (Next Day Air Delivery):

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