

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JESUS GONZALEZ, et al.,)	
)	
Plaintiffs- Appellants,)	
)	Nos. 08-17094, 08-17115
v.)	
)	No. cv-06-1268-PHX-ROS
STATE OF ARIZONA, et al.,)	No. cv-06-1362-PHX-ROS
)	
Defendants- Appellees.)	
_____)	
)	
THE INTER TRIBAL COUNCIL)	
OF ARIZONA, INC., et al.,)	
)	
Plaintiffs-Appellants,)	
)	
v.)	
)	
STATE OF ARIZONA, et al.,)	
)	
Defendants-Appellees.)	
_____)	

Unopposed Motion of Appellants Inter Tribal Council of Arizona, et al., for an Extension of Time to File Response to the Petition for Rehearing En Banc

Pursuant to Federal Rules of Appellate Procedure 27 and 31, and Ninth Circuit Rule 31-2.2, plaintiffs-appellants Inter Tribal Council of Arizona, et al., hereby move for an extension of time to file their response in opposition to the Petition for Rehearing En Banc filed by defendants-appellees State of Arizona and Arizona Secretary of State Ken Bennett. Pursuant to an order issued by this Court on December 10, 2010 [Docket Entry 135], the response is due 21 days after the

date of the order, which is Friday, December 31; however, since that is a federal holiday, the response currently is due on Monday, January 3, 2011. Appellants request a 28-day extension, from January 3, 2011 to January 31, 2011.

Defendants-appellees State of Arizona and Arizona Secretary of State Ken Bennett, through counsel, have stated that they do not oppose this request.

Counsel for plaintiffs-appellants Jesus Gonzalez, et al., also does not oppose an extension.

The reasons why an extension is necessary are set forth in the attached declaration of counsel.

Respectfully submitted this 23rd day of December, 2010.

s/Jon M. Greenbaum
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Several of the Attorneys for Plaintiffs-
Appellants

**Declaration in Support of Motion by Plaintiffs-Appellants
Inter Tribal Council of Arizona, et al., for an Extension of Time
to File Response to Petition for Rehearing En Banc**

I, Jon M. Greenbaum, state the following based on personal knowledge and belief:

1. The response of plaintiffs-appellants Inter Tribal Council of Arizona, et al., to the pending petition for rehearing en banc is currently due on January 3, 2011.

2. Plaintiffs-appellants request an extension until January 31, 2011, an extension of 28 days.

3. The parties who filed the petition for rehearing en banc, the State of Arizona and the Arizona Secretary of State, do not object to this request.

Plaintiffs-appellants Jesus Gonzalez, et al., also do not object to an extension.

4. I am the attorney who argued this case before the Ninth Circuit panel on behalf of plaintiffs-appellants Inter Tribal Council of Arizona, et al., and my organization, the Lawyers' Committee for Civil Rights Under Law, has played a lead role in the drafting of the panel briefs in this case. Counsel for plaintiffs-appellants Inter Tribal Council of Arizona, et al., need additional time to prepare and file a response in light of the occurrence of the Christmas and New Year's holidays, the time required to draft the response, and the need for co-counsel for

plaintiffs-appellants Inter Tribal Council of Arizona, et al., to consult amongst themselves regarding the arguments to be set forth in the response. A 28-day extension also is needed in light of an impending briefing deadline in another case in which the Lawyers' Committee for Civil Rights Under Law is participating, *Shelby County v. Holder et al.*, No. 1:10-cv-651-JDB (D.D.C.), a case challenging the constitutionality of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. As counsel for a defendant-intervenor in that case, the Lawyers' Committee is required to file a reply brief on January 14, 2011 concerning a pending motion for summary judgment as to the constitutionality of Section 5.

5. Counsel for plaintiffs-appellants Inter Tribal Council of Arizona, et al., have exercised diligence, and believe that, barring unforeseen circumstances, the response will be filed within the time requested.

I declare the foregoing is true and correct to the best of my knowledge.

December 23, 2010

s/ Jon M. Greenbaum
Jon M. Greenbaum

Certificate of Service

I hereby certify that on December 23, 2010, I electronically filed the foregoing documents with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have caused to have mailed a copy of the foregoing documents by First Class Mail, postage prepaid, to the following non-CM/ECF participants:

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