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No. 08-2352

In The  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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UNITED STATES STUDENT ASSOCIATION FOUNDATION, as an organization and representative of its members, AMERICAN CIVIL LIBERTIES UNION FUND OF MICHIGAN, as an organization and representative of its members, AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN, as an organization and representative of its members,

Plaintiffs-Appellees,

and

MICHIGAN STATE CONFERENCE OF NAACP BRANCHES,

Plaintiff,

v

TERRI LYNN LAND, Michigan Secretary of State, and CHRISTOPHER M. THOMAS, Michigan Director of Elections, in their official capacities,

Defendants-Appellants,

and

FRANCES MCMULLAN, City Clerk of the City of Ypsilanti, Michigan

Defendants.

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Appeal from the United States District Court  
Eastern District of Michigan, Southern Division

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**APPELLANTS MICHIGAN SECRETARY OF STATE  
TERRI LYNN LAND AND DIRECTOR OF ELECTIONS  
CHRISTOPHER M. THOMAS' MOTION FOR 7-DAY  
EXTENSION TO FILE REPLY BRIEF**

Defendants-Appellants Michigan Secretary of State Terri Lynn Land, and Director of Elections Christopher M. Thomas, through their Attorney, Assistant Attorney General Heather S. Meingast, pursuant to Fed R App P 26(b), submit their motion to extend time for filing their Reply Brief to Plaintiffs-Appellees' Response brief, and in support states as follows:

1. On October 30, 2008, the Court issued a briefing schedule providing that Appellants' Brief be filed by November 21, 2008, Appellees' Brief be filed by December 12, 2008, and Appellant's Reply Brief be filed by December 22, 2008.

2. On or about December 9, 2008, Appellees filed a motion to extend time for filing their Response Brief, which was granted the next day, and the Court ordered that their Brief be filed by December 19, 2008.

3. The Court further ordered that the new date for filing Appellants' Reply Brief be Friday, January 2, 2009.

4. Subject to specified limitations not applicable to the present motion, Fed R App P 26(b) provides that, for good cause, the Court "may extend the time prescribed by these rules or by its order to perform any act, or may permit an act to be done after that time expires."

5. Defendants-Appellants seek to extend the deadline for filing their Reply Brief by 7 days (to January 9, 2009) because in addition to

responding to other matters, and despite best efforts to do so, Appellants' undersigned counsel has not been able to complete the Reply Brief in the 5 business days the Attorney General's Office has been open since receiving Appellees' Response brief on Friday, December 19, 2008.

6. For these reasons, Defendants-Appellants request a 7-day extension of the time to file their Reply Brief to Plaintiffs-Appellees' Response Brief.

For the foregoing reasons, Defendants-Appellants Michigan Secretary of State Terri Lynn Land, and Director of Elections Christopher M. Thomas, respectfully request that this Court extend the period of time by 7 days to file their Reply Brief to Plaintiffs-Appellees' Response Brief.

Respectfully submitted,

MICHAEL A. COX  
Attorney General

*s/Heather S. Meingast*  
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Dated: January 2, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing as well as via U.S. Mail to all non-ECF participants.

*s/Heather S. Meingast*

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