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November 3, 2023

Honorable Scott S. Harris
Clerk of the Supreme Court
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

RE: *Garcia v. Hobbs*, No. 23-467

Dear Mr. Harris:

I am counsel of record for Appellee State of Washington in the above-captioned case. Appellant Benancio Garcia, III filed his Jurisdictional Statement on October 31, 2023. Pursuant to Rule 30.4, the State of Washington requests a 60-day extension to file a Motion to Dismiss or Affirm, to February 2, 2024. Counsel for Appellant Benancio Garcia objects to the extension; counsel for Appellee Steve Hobbs does not object to the extension.

This request for additional time is made to accommodate other concurrent deadlines, including briefing before this Court in *CLA Estate Services, Inc. v. Washington*, No. 23-29. The State's brief in opposition in *CLA Estate Services* is due November 16, 2023. The State's small team of attorneys that work on U.S. Supreme Court matters have been and will be extremely busy with that case, as well as supervising and drafting briefing in several other cases during the next few months. Additionally, my co-counsel for this case has a major argument in the Washington Supreme Court on January 18, 2024, and many of our attorneys and professional staff will be taking various leaves during the holiday season. Moreover, while the State of Washington has filed many petitions for certiorari, briefs in opposition, amicus briefs, and merits briefs in this Court over the years, the State has not had to file a Motion to Dismiss or Affirm in decades (if ever), and no one currently in the Washington Attorney General's Office has worked on such a motion for the State. The State therefore anticipates that its Motion to Dismiss or Affirm will require additional time to provide a helpful response to the Court.

We do not believe that the extension will unduly delay consideration of this matter by the Court. The panel below held that a racial gerrymandering challenge to Washington's legislative redistricting map was moot. Appellant asks the Court to reverse the panel's mootness decision and remand the case to the three-judge panel to decide the case on the merits. Even if this Court were to grant review and schedule argument, the earliest possible date it could reverse and remand would be April 2024, but the parties have stipulated that Washington's legislative district map must be finalized by March 25, 2024, to avoid disrupting the 2024 election cycle. Even if this Court were to somehow rule sooner, Appellant has only asked the Court to review the

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panel's mootness holding, so reversing and remanding would simply require the three-judge panel to proceed to consideration of the merits (and any potential remedy), which could not come before March 25, 2024. We are therefore confident that this request will not prejudice any party.

Thank you for your consideration of this request.

Sincerely,

s/ Cristina Sepe

Cristina Sepe

Deputy Solicitor General

cc: Jason Torchinsky, *Counsel for Appellant Benancio Garcia* (via Court e-filing and e-mail)
Karl D. Smith, *Counsel for Secretary of State Steve Hobbs* (via e-mail)