

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

THE FAMILY PLANNING ASSOCIATION OF
MAINE, d/b/a Maine Family Planning,

Plaintiff-Appellant

v.

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.

Defendants-Appellees.

No. 25-1829

**APPELLEES' MOTION FOR AN EXTENSION OF TIME TO FILE
RESPONSE BRIEF IN LIGHT OF THE LAPSE IN APPROPRIATIONS**

Pursuant to Federal Rule of Appellate Procedure 26(b), the government respectfully moves for an extension of time to file its response brief in this case. In support of that request, the government states as follows:

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. The Court previously directed the government to submit its response brief on November 21, 2025. The government has not previously sought an extension of time.

4. The government respectfully requests an extension of this deadline until Congress has restored appropriations to the Department. In particular, the government requests that, when appropriations are restored, its response brief be due 30 days later. The government will need this additional time following the end of the lapse to restart regular government operations and finalize the brief for filing.

5. Counsel for plaintiff has indicated that plaintiff opposes the relief requested in this motion.

6. For the foregoing reasons, although we greatly regret any disruption caused to the Court and the other litigants, the government respectfully moves for an extension of its response deadline as set forth above.

Respectfully submitted,

DANIEL TENNY

/s/ Steven H. Hazel

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November 7, 2025

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 270 words, according to the count of Microsoft Word.

/s/ Steven H. Hazel

Steven H. Hazel