

No. 22-51124

IN THE
**United States Court Of Appeals
For The Fifth Circuit**

KEVIN CLARKE; TREVOR BOECKMANN; HARRY CRANE; CORWIN SMIDT; ARISTOTLE
INTERNATIONAL, INCORPORATED; PREDICT IT, INCORPORATED; MICHAEL BEELER;
MARK BORGHI; RICHARD HANANIA; JAMES D. MILLER; JOSIAH NEELEY; GRANT
SCHNEIDER; WES SHEPHERD,
Plaintiffs-Appellants,

v.

U.S. COMMODITY FUTURES TRADING COMMISSION,
Defendant-Appellee.

On Appeal from the United States District Court for the
Western District of Texas, No. 1:22-cv-00909-LY

**CONSENT MOTION FOR 3-DAY EXTENSION OF TIME FOR THE
CFTC'S REPLY IN SUPPORT OF SUGGESTION OF MOOTNESS**

Pursuant to Circuit Rule 27.1.1, the CFTC respectfully requests a 3-day extension of the time to file its Reply in Support of its Suggestion of Mootness (ECF No. 74) until March 23, 2023. Doing so will allow the CFTC to respond in a single, combined filing to Plaintiffs-Appellants' Opposition to the Suggestion of Mootness and Opposed Cross-Motion for Finding of Contempt and Imposition of Sanctions, which were similarly filed as a single, combined document (ECF No. 86). The CFTC's Opposition to Plaintiffs-Appellants' Opposed Cross-Motion is likewise due on March 23, 2023.

All parties consent to this motion.

Respectfully submitted,

/s/ Kyle M. Druding

Robert A. Schwartz

General Counsel

Anne W. Stukes

Deputy General Counsel

Kyle M. Druding

Assistant General Counsel

U.S. COMMODITY FUTURES

TRADING COMMISSION

Three Lafayette Centre

1155 21st Street, N.W.

Washington, DC 20581

Phone: (202) 418-6024

Fax: (202) 418-5127

kdruding@cftc.gov

March 16, 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2023, I caused the foregoing Request for Extension to be filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit and served on Plaintiffs-Appellants, using the Court's CM/ECF system, as all participants in this case are registered CM/ECF users.

/s/ Kyle M. Druding
Kyle M. Druding

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Request for Extension complies with the type-volume limits of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 27(a)(2)(B) and 32(f), this motion contains 97 words.

2. I hereby certify that this Request for Extension complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2019 in 14-point Times New Roman.

/s/ Kyle M. Druding
Kyle M. Druding

Dated: March 16, 2023