

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,

*Plaintiff,*

v.

MIKE JOHNSON, in his individual and official capacity as Speaker of the United States House of Representatives; DONALD J. TRUMP, in his individual capacity as former and current President of the United States; PAM BONDI, in her individual and official capacity as Attorney General of the United States; BRENDAN CARR, in his individual and official capacity as Chairman of the Federal Communications Commission; THE UNITED STATES HOUSE OF REPRESENTATIVES; ANTHROPIC PBC; OPENAI, INC.; APPLE INC.; COMCAST CABLE COMMUNICATIONS, LLC; METR (MODEL EVALUATION & THREAT RESEARCH); and DOES 1-20, unknown co-conspirators,

*Defendants.*

Civil Action No. 25-02735 (ACR)

**MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Federal Defendants Mike Johnson, in his official capacity as Speaker of the United States House of Representatives; Donald J. Trump, in his official capacity as President of the United States; Todd Blanche,<sup>1</sup> in his official capacity as Acting Attorney General of the United States; Brendan Carr, in his official capacity as

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<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Acting Attorney General Todd Blanche is substituted for Pam Bondi.

Charman of the Federal Communications Commission, and the United States House of Representatives (collectively, “Defendants”) respectfully move for an extension to file the response to the operative Complaint that is due to be filed on May 18, 2026. This afternoon the undersigned reached out to Plaintiff, who is proceeding pro se, to confer about this motion and the relief sought herein, but he understandably has not yet responded. If the undersigned is apprised of Plaintiff’s position, she will promptly inform the Court.

There is good cause for the relief requested in this motion. As grounds for the requested extension, Defendants state as follows:

1. The Complaint in this action was filed on August 19, 2025. ECF No. 1. The Court dismissed that Complaint for lack of standing on August 20, 2025. *See* Min. Order (Aug. 20, 2025). Plaintiff then filed an Amended Complaint on September 29, 2025, *see* ECF No. 5, and a Second Amended Complaint on January 19, 2026, *see* ECF No. 13.

2. The return of service/affidavit for the United States Attorney was filed on March 17, 2026, and the docket entry set a deadline of May 2, 2026, for all federal defendants to answer the Second Amended Complaint. ECF No. 36.

3. On March 27, 2026, the Court stayed all Defendants’ deadline to answer or otherwise respond to the Second Amended Complaint. *See* Min. Order (Mar. 27, 2026). The Court further ordered the parties to contact the Courtroom Deputy once Plaintiff filed the Third Amended Complaint to schedule a status hearing “to discuss the case before any responsive pleadings were due.” *Id.*

4. A Third Amended Complaint was subsequently filed on April 30, 2026. ECF No. 51. An errata to the Third Amended Complaint was then filed on May 5, 2026. ECF No. 52. That errata

asserts that Plaintiff served the Third Amended Complaint on the United States Attorney by certified mail on May 4, 2026. *Id.*

5. Pursuant to Rule 15(a)(3), the government has 14 days from service of an amended complaint to respond. Fed. R. Civ. P. 15(a)(3). Federal Defendants therefore calculate the deadline to file their response to be May 18, 2026.<sup>2</sup>

6. The Court scheduled a status hearing in this case for May 28, 2026. *See* Min. Order (May 13, 2026).

7. Defendants request an extension of the May 18, 2026 response deadline to, and including, June 17, 2026, to allow sufficient time for the government to gather relevant factual information necessary to inform the basis for Defendants' response. An extension until after the May 28, 2026 hearing will conserve both judicial and party resources, as Defendants hope to gain clarity regarding Plaintiff's allegations or the need for any further amendments of the pleadings during the upcoming hearing.

8. This is the first request for extension by the Defendants in this action. No existing court deadlines will be impacted by this extension request. Plaintiff will not be prejudiced by this short extension request.

9. A proposed order is attached.

Dated: May 15, 2026  
Washington, DC

Respectfully submitted,

JEANINE FERRIS PIRRO  
United States Attorney

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<sup>2</sup> According to Plaintiff's filing at Docket 22, the U.S. Attorney's Office for the District of Columbia affixed a stamp on the summons, affirming that the Third Amended Complaint was received on May 12, 2026. *See* ECF No. 22 at 1. If the deadline for the response is calculated based on that date, the corresponding deadline would be May 26. *See* Fed. R. Civ. P. 15(a)(3). Out of an abundance of caution, Federal Defendants follow the earlier date of service in requesting an extension of time to respond to the Third Amended Complaint.

By:/s/ Tara Derbisz  
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*Defendants.*

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**[PROPOSED] ORDER**

Upon consideration of Defendants' unopposed motion for extension of time, it is hereby ORDERED that Defendants' motion for an extension of time is GRANTED; and it is FURTHER ORDERED that Defendants shall have through and including June 17, 2026, to respond to the Third Amended Complaint in this action.

SO ORDERED:

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Date

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ANA C. REYES  
United States District Judge