

No. 24A-____

IN THE
Supreme Court of the United States

CALIFORNIA STEM CELL TREATMENT CENTER, INC., ET AL.,
Applicants,

v.

UNITED STATES,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

To the Honorable Elena Kagan, Associate Justice of the Supreme Court and
Circuit Justice for the Ninth Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicants California Stem Cell Treatment Center, Inc., et al. respectfully request a 60-day extension of time, up to and including May 19, 2025, to file a petition for a writ of certiorari to the U.S. Court of Appeals for the Ninth Circuit, seeking review of that court's September 27, 2024 decision in *United States v. California Stem Cell Treatment Ctr., Inc.*, 117 F.4th 1213 (9th Cir. 2024). The decision below is attached as Appendix A. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254.

2. Applicants timely petitioned for panel rehearing and rehearing en banc. The panel denied rehearing on December 20, 2024. The order denying Applicant's petition for panel rehearing is attached as Appendix B.

3. The time to file a petition for a writ of certiorari will otherwise expire on March 20, 2025. This Application is timely because it has been filed more than ten days prior to the date on which the time for filing is due to expire.

4. Applicants have good cause for an extension of time. This petition involves complex and important issues relating to the Federal Drug Administration's authority to regulate a patient's body parts as "drugs" under the Federal, Food, Drug, and Cosmetic Act. In addition, counsel for Applicants have extensive professional obligations over the coming months, including oral argument on February 24 in *Medtronic USA Inc. v. California Department of Tax and Fee Administration* (Cal. Ct. App. No. A169290), a preliminary injunction hearing on February 26 in *Zoll Data Systems, Inc. v. Wave HDC, LLC et al.* (D. Colo. No. 24-00584), a motion to dismiss due March 7 in *Shareholder Representative Services LLC v. Medtronic, Inc.* (Del. Ch. Ct. No. 2024-1326), and an Answering Brief due April 4 in *Hess v. Experian Information Solutions, Inc.* (9th Cir. No. 25-113). In light of these competing commitments, the quality of any petition would greatly benefit from an extension of time to allow Jones Day to further develop the arguments in this case and to complete the requisite research and writing.

WHEREFORE, Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including May 19, 2025.

February 11, 2025

Respectfully submitted,

/s/ Nathaniel P. Garrett

NATHANIEL P. GARRETT

Counsel of Record

JONES DAY

555 California Street, 26th Floor

San Francisco, CA 94104

(415) 875-5731

ngarrett@jonesday.com

Counsel for Applicants