



IN THE COURT OF THE JUDICIARY

IN THE MATTER OF )  
 )  
 ROY S. MOORE, )  
 Chief Justice of the )  
 Supreme Court of Alabama )  
 ) Court of the Judiciary  
 ) Case No. 46

---

MOTION FOR EXTENSION OF TIME

---

Pursuant to Rule 5, Ala. R. P. Ct. Jud., Chief Justice Roy S. Moore respectfully moves this Court for an extension of time in which to file a responsive pleading, and for good cause states:

1. On Friday, May 6, 2016, the Secretary of the Court of the Judiciary served Chief Justice Moore with the complaint in this matter. Pursuant to Rule 5, the last day to file a responsive pleading is Tuesday, June 7.

2. On Friday, May 27, 2016, Chief Justice Moore filed a complaint and a motion for a preliminary injunction in the United States District Court for the Middle District of Alabama alleging that the automatic suspension provision of Art. VI, § 159, Ala. Const. 1901, violates the Due Process Clause of the Fourteenth Amendment to the United States

Constitution. See *Hon. Roy S. Moore v. Judicial Inquiry Commission et al.*, No. 2:16-CV-388-WHA (M.D. Ala.). The ground relied on for the assumption of federal jurisdiction is that the state forum is inadequate to protect federal constitutional rights under the Due Process Clause.

3. Chief Justice Moore requests an extension of time to file a responsive pleading in this matter until the United States District Court has ruled on his motion for a preliminary injunction to enjoin the automatic suspension provision of § 159.

4. Alternatively, Chief Justice Moore requests an extension of time of 14 days to file a responsive pleading from the date of the ruling on this motion.

5. Rule 5 states that "[f]or good cause shown, the Court may extend the time for filing" a responsive pleading. Chief Justice Moore has not previously asked for an extension of time and does not request this extension for purposes of delay.

WHEREFORE, the Hon. Roy S. Moore, Chief Justice of the Alabama Supreme Court, requests, as stated above, an extension of time to file a responsive pleading.

Respectfully Submitted,

/s Mathew D. Staver

**Mathew D. Staver**<sup>†</sup>

Fla. Bar No. 0701092

court@LC.org

/s Horatio G. Mihet

Horatio G. Mihet

Fla. Bar No. 0026581

hmihet@LC.org

s/ Phillip L. Jauregui

**Phillip L. Jauregui**

Ala. Bar No. 9217-G43P

Judicial Action Group

plj@judicialactiongroup.com

7013 Lake Run Drive

Birmingham, AL 35242

(202) 216-9309 (tel)

*Attorneys for Petitioner*

***LIBERTY COUNSEL***

P.O. BOX 540774

Orlando, FL 32854

(407) 875-1776 (tel)

(407) 875-0770 (fax)

<sup>†</sup>Motion for admission

*pro hac vice* pending

**CERTIFICATE OF SERVICE**

I certify that I have this 27th day of May, 2016, served a copy of this motion on the Judicial Inquiry Commission through electronic mail with a hard copy sent via regular U.S. mail to:

John L. Carroll, Lead Counsel  
Rosa Hamlett Davis, Co-Counsel  
Judicial Inquiry Commission of Alabama  
401 Adams Avenue, Suite 720  
Montgomery, AL 36104

s/ Phillip L. Jauregui

Phillip L. Jauregui

*Attorney for Petitioner*