

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 2014

LUTHER STRANGE, ATTORNEY GENERAL OF THE STATE OF ALABAMA,

Applicant-Petitioner,

vs.

CARI D. SEARCY, *etc., et al.*,

Respondents.

On Application to Stay Injunctions of the
U.S. District Court for the Southern District of Alabama

Motion of Robert J. Bentley, Governor of Alabama,
for Leave of Court to File as *Amicus Curiae* Under
Supreme Court Rule 33.2 in Support of Application of Alabama
Attorney General Luther Strange for Stay

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Counsel for Governor Robert J. Bentley

February 4, 2015

LIST OF PARTIES AND AFFILIATES

Luther Strange, in his Official Capacity as Attorney General of the State of Alabama,

Petitioner

Cari D. Searcy, Respondent

Kimberly McKeand, Respondent

James N. Strawser, Respondent

John E. Humphrey, Respondent

**MOTION OF ROBERT J. BENTLEY,
GOVERNOR OF ALABAMA, FOR LEAVE OF COURT TO FILE AS
AMICUS CURIAE UNDER SUPREME COURT RULE 33.2
IN SUPPORT OF APPLICATION OF
ATTORNEY GENERAL LUTHER STRANGE FOR STAY**

To The Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Robert J. Bentley, Governor of Alabama (“Movant”), by and through counsel, moves this Honorable Court to grant him leave to file as *amicus curiae* in this matter under Supreme Court Rule 33.2 for the limited purpose of supporting the application filed in this Court by Attorney General Luther Strange on February 3, 2015, for stay of the injunctions entered by the United States District Court for the Southern District of Alabama in two cases (consolidated in the Court of Appeals) on January 23 and 26, 2015, enjoining him from enforcing Alabama laws which define marriage as between a man and a woman. (App. A, attached to Motion for Leave to Appear as *Amicus Curiae*). The District Court entered a stay in both cases until February 9, 2015, to give the Attorney General time to seek a stay of its injunctions. (App. B, attached to Motion for Leave to Appear as *Amicus Curiae*). On February 3, 2015, the United States Court of Appeals for the Eleventh Circuit granted Governor Bentley’s motion for leave to appear as *amicus curiae* in that Court but denied Attorney General Strange’s motion to extend the stay entered by the District Court pending the appeal from the injunctions or the release of this Court’s decision in cases in which petitions for the writ of *certiorari* have been granted. (App. C, attached to Motion for Leave

to Appear as *Amicus Curiae*). See, *James v. Hodges*, Supreme Court No. 14-556, Order dated January 16, 2015; see also cases 14-562, 14-571, and 14-574.

In support of his motion for leave of Court to file his papers under Supreme Court Rule 33.2, Governor Bentley asserts that the injunctions entered by the District Court are set to expire on February 9, 2015. The ruling of the Court of Appeals denying the Attorney General's motion for stay was entered on February 3, 2015. There is not sufficient time to prepare and file papers as required by Supreme Court Rule 33.1 and have them considered by this Court before the expiration of the injunctions which are the subject of Attorney General Strange's application for stay.

CONCLUSION

WHEREFORE PREMISES CONSIDERED, Governor Robert J. Bentley submits that his motion for leave to file as *amicus curiae* under Supreme Court Rule 33.2 to support the application of Attorney General Luther Strange for stay of the District Court's injunctions is due to be granted.

Respectfully submitted this 4th day of February, 2015.


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