

IN THE SUPREME COURT OF THE UNITED STATES

No. _____

PETRO-HUNT, L.L.C.,

Petitioner

v.

UNITED STATES OF AMERICA

Respondent.

**APPLICATION TO THE HON. JOHN G. ROBERTS, JR.,
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Petitioner Petro-Hunt, L.L.C.¹ requests an extension of time of 30 days, to and including February 1, 2018, for the filing of a petition for a writ of certiorari. The United States Court of Appeals for the Federal Circuit entered final judgment on July 17, 2017. A copy of the Federal Circuit's opinion is attached. Ex. A. The Federal Circuit denied Petro-Hunt's timely petition for rehearing en banc on October 3, 2017. Ex. B. If time is not extended, a petition will be due on January 2, 2018. This Court's jurisdiction is invoked under 28 U.S.C. § 1254.

1. This case presents a substantial question of law concerning Fifth Amendment takings claims and the Court of Federal Claims' jurisdiction, including

¹ Counsel of record certifies that Petro-Hunt, L.L.C.'s parent corporations, both of which are privately held, are: (a) Petro-Hunt Holding, LLC; and (b) the William Herbert Hunt Trust Estate. No publicly held corporation owns ten percent or more of the stock of Petro-Hunt, L.L.C.

whether the Court of Federal Claims possesses jurisdiction under the Tucker Act, 28 U.S.C. § 1491(a)(1), to hear a federal judicial takings claim for just compensation. In *Stop the Beach Renourishment v. Florida Department of Environmental Protection*, 560 U.S. 702 (2010), this Court held that “[i]f a legislature or a court declares that what was once an established right of private property no longer exists, it has taken that property, no less than if the State had physically appropriated it or destroyed its value by regulation.” *Id.* at 715 (plurality opinion) (emphasis in original). This Court has not since addressed judicial takings or the Court of Federal Claims’ jurisdiction over federal judicial takings.

2. Petro-Hunt’s judicial takings claim is based on the decision of the United States Court of Appeals for the Fifth Circuit in a quiet title action that Petro-Hunt filed against the United States in 2000. As a result of the Fifth Circuit’s decision, the United States now owns mineral property that (i) the Fifth Circuit ruled in 1951 the United States did not purchase or own; and (ii) the United States acknowledged for decades was privately owned. The Federal Circuit affirmed the Court of Federal Claims’ dismissal of Petro-Hunt’s federal judicial takings claim for lack jurisdiction. The Federal Circuit ruled that resolution of Petro-Hunt’s judicial takings claim would require the Court of Federal Claims to scrutinize the Fifth Circuit’s decision, despite the fact that Petro-Hunt sought only just compensation for its takings claim.

3. White Andrews, LLC is a small firm. Between now and the current due date of the petition, Petro-Hunt’s counsel also has briefing obligations for a writ

application in the Louisiana Supreme Court. Petro-Hunt's counsel is consulting with outside counsel with Supreme Court expertise to assist in this case. Additional time is warranted for coordination with outside counsel, in light of the complex factual and procedural background of this case and the upcoming holiday season. An extension of time would allow Petro-Hunt's counsel to research the legal issues fully and to prepare an appropriate petition for consideration by this Court.

For these reasons, Petro-Hunt respectfully requests that the time to file a petition for a writ of certiorari be extended an additional thirty days to and including February 1, 2018.

Respectfully submitted,



J. Ralph White

Counsel of Record

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