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Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street NE
Washington, DC 20543

Re: *Perryman v. Romero*, No. 18-1074

Dear Mr. Harris:

Petitioner Brian Perryman opposes Respondents' request for an extension of time to file a response.

The petition for writ of certiorari in the above-captioned case was filed and served on February 13, 2019, and placed on the docket on February 15, 2019. Respondents did not waive response until *after* they had requested an extension to file a response on March 5, 2019. That request was granted on March 7, extending the time to file a response to April 17, 2019, after which the respondents waived response. The petition was distributed on April 23, 2019, and the Court requested a response the same day, showing its interest in the case.

Respondents thus have already received a thirty-day extension, and then a second *de facto* thirty-day extension by waiving response and requiring the Court to request a response. That waiver of response appears to have been made in bad faith to extend the timeline of the petition. This petition is supported by the *amicus* brief of a bipartisan coalition of sixteen state attorneys general filed on March 15, 2019; and the Court granted *certiorari* in *Frank v. Gaos*, No. 17-961, on a challenge to the same Ninth Circuit precedent governing this case. There was next to no chance that the Court would deny the petition without response. Furthermore, Respondents knew from Petitioner's filings in the Ninth Circuit on October 10, 2018, that Petitioner planned to raise the *cy pres* issues from the *Frank v. Gaos certiorari* grant to this Court in a petition in this case; and a similar coalition of state attorneys general provided *amicus* briefing and argument in the Ninth Circuit below, and in *Frank v. Gaos*, so their arguments and participation as *amicus* here are not surprising. Respondents have thus had seven months to anticipate a response to the petition in this case. No extension should be granted beyond May 31, 2019.

Respectfully submitted,

/s/ Theodore Frank
Theodore Frank
Counsel of Record for Petitioner Brian Perryman

cc: Counsel of Record