

No. _____

In the
Supreme Court of the United States

◆
ALAN MAPUATULI; GILBERT MEDINA; and GARY
VICTOR DUBIN, a Member of the Hawaii Bar, doing
business as THE DUBIN LAW OFFICES, for themselves
and for all others similarly situated,

Petitioners,

v.

JEFFERSON B. SESSIONS III, in his official capacity
as United States Attorney General; CHARLES E.
SAMUELS, JR., in his official capacity as Director of the
United States Bureau of Prisons; J. RAY ORMOND, in his
official capacity as Warden of the Honolulu Federal
Detention Center; and FLORENCE T. NAKAKUNI, in her
official capacity as United States Attorney for the District of
Hawaii,

Respondents.

◆
APPLICATION TO EXTEND TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI
SUBMITTED TO THE HONORABLE
ANTHONY M. KENNEDY

◆
GARY VICTOR DUBIN
Counsel of Record

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**APPLICATION TO EXTEND TIME TO FILE A PETITION FOR WRIT OF
CERTIORARI SUBMITTED TO THE HONORABLE ANTHONY M. KENNEDY**

1. This Application for a sixty (60) day extension of time if necessary in which to file a petition for writ of certiorari is being timely filed by mail on May 21, 2018, pursuant to Supreme Court Rule 22, Rule 30 and Rule 33.2.
2. The Memorandum decision of the Ninth Circuit Court of Appeals, set forth in Exhibit "A", was filed in this case on March 2, 2018, affirming an Order of the United States District Court for the District of Hawaii, set forth in Exhibit "B", the original parties having been substituted for by Order of the Circuit Court.
3. A Petition for Writ of Certiorari to this Court by Petitioners is therefore due on or before May 31, 2018, ten days from today. This application for an extension of time is therefore being timely filed.
4. This Court has jurisdiction to review this case as it contains important federal questions of first impression in this Court as to (a) whether the Sixth Amendment right to counsel protects prison emails from having the attorney-client privilege invaded, (b) whether prison emails are "prison conditions" under the Prison Litigation Reform Act controlling the invocation of the Sixth Amendment right to counsel, and (c) whether and under what conditions consistent with the Sixth Amendment right to counsel may email communications between inmates and their counsel be restricted.
5. Petitioners' counsel requires additional time in which to prepare a meaningful Petition given the complexity of the constitutional issues involved which also implicate other Bill of Rights guarantees.

6. Meanwhile, Petitioners' counsel find themselves short-staffed, with one of our attorneys getting married overseas, another having a baby, and vacation schedules.

7. This request is being made in good faith in the interest of being able to do the best possible work as the forthcoming Petition will potentially benefit over one hundred thousand federal inmates, their counsel, and the criminal justice system and fully deserves the attention of this Court.

8. Declarant is fully knowledgeable concerning the Rules of this Court and its Procedures, having been successful in the past securing certiorari review and reversal, and believes that Petitioners' case is especially meritorious.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Honolulu, Hawaii; May 21, 2018.

/s/ Gary Victor Dubin

GARY VICTOR DUBIN

PROOF OF SERVICE

I hereby certify that a true and correct copy of the aforementioned “Application To Extend Time To File A Petition For Writ Of Certiorari Submitted To The Honorable Anthony M. Kennedy” was duly served by U.S. Mail on May 21, 2018 and now by electronic transmission through the Court’s electronic filing system on May 29, 2018, as follows:

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*Attorney for Respondents
United States of America*

DATED: Honolulu, Hawaii; May 29, 2018.

/s/ Gary Victor Dubin

GARY VICTOR DUBIN
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