

App. No. 17A1333

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In The  
Supreme Court of the United States

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Ronald Bergrin,

*Petitioner,*

v.

United States of America,

*Respondent.*

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PETITIONER’S APPLICATION TO EXTEND FURTHER  
THE TIME TO FILE PETITION FOR A WRIT OF CERTIORARI

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To the Honorable Justice Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

Petitioner Ronald Bergrin respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be further extended for thirty days to August 12, 2018. One prior extension of time of 29 days for filing the petition (App. No. 17A1333) was granted by Justice Elena Kagan, and absent a further extension of time, the petition will be due on July 13, 2018. Petitioner is filing this Application at least ten (10) days before that date. *See* S.Ct. R. 13-5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

**Background**

Petitioner seeks review of the decision of the United States Court of Appeals for the

Sixth Circuit which addresses substantial questions relating to the use of subjective standards employed by a court to overcome medical and psychological evidence demonstrating a defendant's competence to assist counsel and proceed to trial. The decision below should be reviewed because the Sixth Circuit upheld the use of subjective factors, including a focus on judicial characterizations of the defendant's personality, as a basis to foreclose fundamental trial rights and its decision creates a conflict with the manner in which other circuits review competence determinations as well as the reviewability of dismissals of federal criminal cases by means that stigmatize the defendant. The significance of the issues requires that substantial legal research and review by counsel be conducted, including review of relevant state court decisions applying due process doctrines to issues of competency to stand trial. Hence, petitioner seeks this extension of time.

### **Reasons For Granting An Extension Of Time**

The time to file a Petition for a Writ of Certiorari should be extended for twenty-nine days for the following reasons:

1. Due to case-related and other reasons additional time is necessary and warranted for counsel to research the decisional conflicts, and prepare a clear, concise, and comprehensive petition for certiorari for the Court's review.
2. The press of other matters makes the submission of the petition difficult absent an extension. Counsel presently faces federal appellate filing deadlines in numerous cases from June 29 to July 29, 2018, including in Sixth Circuit No. 17-5814 and Eleventh Circuit Nos. 18-11458, 18-10755, 17-15714, 17-15047, 17-14825, 17-13068, 17-10010,

16-11882, 15-13325, and 14-14689, as well as oral argument in the Eleventh Circuit on July 17, 2018, in No. 16-16048, and evidentiary hearings in four complex federal trial court matters from June 26, 2018 to July 20, 2018.

3. The forthcoming petition is likely to be granted in light of, among other things, the need to address the important circuit conflicts regarding the determination of competency to assist counsel and stand trial.

### **Conclusion**

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended thirty days to and including August 12, 2018.

Respectfully submitted,

/s/ Richard C. Klugh

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June 2018