



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

CRAIG W. COSPER
ASSISTANT ATTORNEY GENERAL

(512) 936-1400
CRAIG.COSPER@OAG.TEXAS.GOV

September 11, 2018

VIA ELECTRONIC FILING SYSTEM

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
Office of the Clerk
1 First Street, N.E.
Washington, D.C. 20543

**Re: *Mark Francis Honish v. Davis*, No. 18-5135;
Request for Extension of Time to File Brief in Opposition.**

Dear Hon. Harris:

My Office represents the Respondent, Lorie Davis, Director of TDCJ-CID (the “Director”) in the above referenced appeal. On August 30, 2018, the Court asked the Director to file a brief in opposition to Petitioner’s petition for writ of certiorari—presently due to be filed on or before October 1, 2018. Pursuant to Rule 30.4, this is a request for a **60-day** extension of time, up to and including **Friday, November 30, 2018**, in which to file the Director’s brief in opposition.

An extension of time is needed because neither the Director nor the Office of the Attorney General of Texas was involved in the federal habeas litigation below. As a result, my Office does not presently possess—and has not yet obtained—any of the state court records related to Petitioner’s challenged Texas conviction. Without those records, the Director is not yet able to determine the appropriate response to the Questions Presented in the petition. I have ordered those state court records.

Furthermore, the undersigned has responsive pleadings due in six other federal habeas cases that had pre-existing deadlines. *See Earvin v. Davis*, No. 4:18-CV-1476 (E.D. Tex.) (on extension); *Penton v. Davis*, No. 4:18-CV-2262 (S.D. Tex.); *Armstrong v. Davis*, No. 4:18-CV-376-O (N.D. Tex.); *Fields v. Davis*, No. 1:18-CV-127-C (N.D. Tex.) (no extensions allowed); *Carter v. Davis*, No. 3:18-CV-01925-S-BT (N.D. Tex.); *Davis v. Davis*, No. 4:18-CV-562-A (N.D. Tex.) (on extension).

Conference with Petitioner is not possible because he is proceeding *pro se*, and is also incarcerated. The Director will not speculate about whether Petitioner will oppose this motion. A copy of this letter will be sent to Petitioner by placing it in the United States Mail, postage prepaid, to the address listed below.

Thank you for your consideration of this matter.

Sincerely,

s/ Craig W. Cosper

Craig W. Cosper
Assistant Attorney General
Criminal Appeals Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 936-1400
Facsimile: (512) 936-1280

cc: Mark Francis Honish
TDCJ #1745461
Estelle Unit
264 FM 3478
Huntsville, TX 77320