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**DEPARTMENT OF JUSTICE**



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September 11, 2018

**Via Electronic Filing System and Federal Express**

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

RE: *Ricky Lee Earp v. Ron Davis, Warden*  
No. 18-5252  
Request for Extension of Time to File Brief in Opposition to Petition for Writ of  
Certiorari

Dear Mr. Harris:

I represent the respondent, Ron Davis, in the above-entitled case. The petition for a writ of certiorari was filed on July 13, 2018, after this Court granted petitioner's unopposed request for an extension of time to file the petition. The brief in opposition to the petition is currently due on September 17, 2018, after this Court granted the State's first unopposed request for an extension of time. Pursuant to Rule 30.4, I request that the time for filing that brief again be extended, by thirty days, to Wednesday, October 17, 2018.

I am requesting additional time because I was required to spend more time than I anticipated on my capital case supervisory responsibilities. Since the last extension of time was sought, I was required to assist two deputies in preparing to argue capital appeals in the California Supreme Court two arguments in capital appeals. I also had a pre-planned family vacation which took me out of the country from August 18-27, 2018. Although I was aware of this impending vacation when I sought my last extension, I had assumed I would be able to devote the balance of my time to this case; because my attention was required on the cases preparing for argument, that assumption was incorrect.

I have done a substantial amount of work on the brief in opposition, which is now in the process of review. However, there is insufficient time remaining before the current due date to complete the review process and prepare the brief in opposition and supplemental appendix for filing.

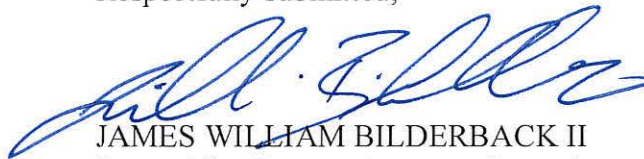
Robert Gerstein, counsel of record for petitioner, has no objection to the Court granting this request.

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Accordingly, I request that the due date for the brief in opposition to the petition for a writ of certiorari be extended to October 17, 2018.

Respectfully submitted,



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Supervising Deputy Attorney General

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