



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 14, 2018

By Electronic Filing and Overnight Delivery

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

Re: *Stephen Dale Barbee v. Davis*, No. 18-5289

Dear Mr. Harris,

A response in this death-penalty case is currently due on August 20, 2018. Respondent respectfully requests a thirty-day extension of the present deadline, up to and including Wednesday, September 19, 2018. This is Respondent's first request for an extension in this case. The extension is not sought for an improper purpose, including harassment or unnecessary delay. Rather, the attorney drafting the Respondent's brief requires additional time to review the facts and legal issues in this case due to the demands of a capital caseload. In this regard, among other responsibilities, the Respondent's attorney has been involved in litigation related to a federal evidentiary hearing that is scheduled to begin on October 9, 2018, in the death-penalty case *Green v. Director*, No. 4:13-CV-1899 (S.D. Texas). Additionally, the Respondent's attorney has a response to a federal habeas petition due on extension on September 6, 2018, in the death-penalty case *Robinson v. Director*, No. 17-CA-101 (W.D. Texas). Further, the Respondent's attorney attended a conference for attorneys in capital litigation in Washington, D.C., from August 8, 2018, through August 11, 2018. The Respondent's attorney conferred with Petitioner's counsel, A. Richard Ellis, who stated that he is not opposed to the requested extension. A copy of this letter will be sent to opposing counsel. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew Ottoway", with a long horizontal flourish extending to the right.

MATTHEW OTTOWAY
Assistant Attorney General

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