

STATE OF TENNESSEE

Office of the Attorney General



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October 11, 2018

Office of the Clerk  
Supreme Court of the United States  
Washington, D.C. 20543  
Attn: Deputy Clerk Danny Bickel

**Re: Farris Genner Morris v. Tony Mays, Warden, No. 18-5505**

Dear Mr. Bickel:

Please allow this letter to serve as the respondent's application pursuant to Sup. Ct. R. 30 for a second **thirty (30) day extension** of time to file its brief in opposition to the petition for a writ of certiorari in this matter and a simultaneous request to excuse the untimeliness of this application. The respondent's brief in opposition was due **October 9, 2018**. This is the Warden's second request for an extension of time, for a total of 60 days. Justice Kagan previously granted petitioner an additional 60 days to file the petition for writ of certiorari on an unopposed motion. The Warden's response is mandatory in this capital case.

Counsel for the State has been heavily involved in multiple cases related to the execution of another Tennessee death row inmate, Edmund Zagorski, which is scheduled for October 11, 2018. Those matters include an expedited appeal in the Tennessee Supreme Court related to Tennessee's lethal injection protocol, a response to a motion for stay and petition for writ of certiorari in this Court, and an application to this Court to vacate a stay entered by the Sixth Circuit Court of Appeals related to a federal habeas action, among other things. Because of these other filings—some filed on an emergency basis—counsel has been unable to prepare a response in this case within the time previously allowed by this Court. Counsel had calendared the deadline and intended to submit a timely request for extension. But in the press of multiple cases related to the October 11 execution, counsel inadvertently failed to seek the additional time. Counsel only now realized the oversight during a lull in filing deadlines and immediately prepared this application.

Counsel requests this extension to be able to submit a brief that will be of assistance to the Court and comply with the mandatory filing for capital cases. Respondent thus requests permission to file a brief in opposition on or before **November 8, 2018**.

Deputy Clerk Danny Bickel  
Supreme Court of the United States  
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Sincerely,

A handwritten signature in cursive script that reads "Jennifer L. Smith".

JENNIFER L. SMITH  
Associate Solicitor General  
(615) 741-3487

Cc: Jerome Del Pino