

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 18-7100

Brian Simmons

(Petitioner)

v. Michael Capra, Superintendent

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

- Please enter my appearance as Counsel of Record for all respondents.
- There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain if your name has changed since your admission):

Signature Nikki Kowalski

Date: January 10, 2019

(Type or print) Name NIKKI KOWALSKI, Deputy Solicitor General

Mr. Ms. Mrs. Miss

Firm Attorney General of the State of New York

Address 28 Liberty Street

City & State New York, N.Y.

Zip 10005

Phone (212) 416-8370

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

SEE REVERSE FOR INFORMATION CONCERNING THE STATUS OF A CASE ON THE DOCKET.

CC: Brian Simmons #11A2312
Sing Sing Correctional Facility
354 Hunter Street, Ossining, NY 10562

SUPREME COURT OF
THE UNITED STATES

BRIAN SIMMONS,

Case No. 18-7100

Petitioner,

v.

MICHAEL CAPRA, Superintendent,
Sing Sing Correctional Facility,

Respondent.

DECLARATION OF SERVICE

MATTHEW B. KELLER, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows: that on January 10, 2019, he served respondent's Waiver of Response by having same mailed to petitioner via the United States Postal Service to the following address of record:

Mr. Brian Simmons
#11A2312
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

/s/ Matthew B. Keller
MATTHEW B. KELLER
Assistant Attorney General
Matthew.Keller@ag.ny.gov
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Executed on January 10, 2019