

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



600 WEST BROADWAY, SUITE 1800
SAN DIEGO, CA 92101
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

Public: (619) 738-9000
Telephone: (619) 738-9143
Facsimile: (619) 645-2191
E-Mail: Anthony.DaSilva@doj.ca.gov

May 30, 2019

Via Electronic Filing System and Federal Express

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

RE: *Cuero v. Diaz*, Case No. 18-8301
Request for Extension of Time to File Brief in Opposition to
Petition for Writ of Certiorari

Dear Mr. Harris:

I represent the respondent, Ralph Diaz, Acting Secretary of the California Department of Corrections and Rehabilitation, in the above-entitled case. The petition for writ of certiorari was filed on February 26, 2019. On April 1, 2019, this Court requested a response. The brief in opposition to the petition is currently due on May 31, 2019. I respectfully request that the time for filing that brief be extended thirty-days, to Monday, July 1, 2019. I have previously requested one thirty-day extension to file the brief in opposition.

I have completed a draft of the brief and it has been reviewed and approved for filing by the Solicitor General of California. I am requesting additional time because there is an unanticipated issue that arose during the process of consultation and review with the Solicitor General of California that requires our consultation with opposing counsel prior to filing our brief. I reached out to opposing counsel Devin Burstein on Tuesday, May 28, and learned from his law partner Jeremy Warren that Mr. Burstein is out of town this week and unavailable by telephone. Mr. Warren asked that we delay our filing until Mr. Burstein returns to the office and has an opportunity to respond to our inquiry. Consequently, as a courtesy to opposing counsel and in the interest of ensuring that our response is complete and accurate, I am seeking this additional extension of time in which to file the brief in opposition. Absent unforeseen consequences, I do not anticipate needing any time beyond July 1, 2019, to file the brief in opposition.

May 30, 2019

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While our office has not been able to reach opposing counsel regarding this extension request for the reasons discussed above, we have communicated with opposing counsel's law partner who asked that we delay our filing until opposing counsel's return to enable him to respond to our inquiry. For this reason, we do not believe opposing counsel would have any objection to this request.

Accordingly, I respectfully request that the due date for the brief in opposition to the petition for writ of certiorari be extended to July 1, 2019.

Sincerely,

/s/ Anthony Da Silva
ANTHONY DA SILVA
Deputy Attorney General

For XAVIER BECERRA
 Attorney General

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DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **Kernan v. Cuero**

Case No.: **18-8301**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266.

On May 30, 2019, I served the attached **REQUEST FOR EXTENSION OF TIME TO FILE BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI** by placing a true copy thereof enclosed in a sealed envelope with **FedEx**, addressed as follows:

Devin Burstein
Warren & Burstein
501 W. Broadway, Ste. 240
San Diego, CA 92101

Attorneys for Petitioner

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 30, 2019, at San Diego, California.

A. Breault

Declarant


Signature