

April 23, 2020

VIA ELECTRONIC FILING AND U.S. MAIL

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

Re: *Matthew T. Albence, et al. v. Ravidath Lawrence Ragbir, et al.*, No. 19-1046

Dear Mr. Harris:

Under Supreme Court Rule 30.4, Respondent Ravidath Lawrence Ragbir respectfully requests a 60-day extension of the time in which to file a brief in opposition to the petition for a writ of certiorari filed by the government in the above-referenced case, up to and including July 6, 2020. Counsel for the government has indicated that “[t]he government does not object.” Respondent makes this request for several reasons.

First, the ongoing public health emergency related to COVID-19 has substantially impaired the ability of Respondent’s counsel at Arnold & Porter and at the NYU School of Law Immigrant Rights Clinic to consult with one another and with their client and to research and prepare a brief in opposition.

Second, an extension of time is necessary in light of counsel’s other obligations. For example, before the current deadline of May 6, 2020 or in the days immediately thereafter, undersigned counsel is scheduled to file a reply brief in the U.S. Court of Appeals for the Fourth Circuit, a reply in support of a motion to certify under 28 U.S.C. § 1292(b) in the U.S. District Court for the Northern District of Ohio, an opening brief in the Tennessee Supreme Court, a petition for a writ of mandamus in the Nevada Supreme Court, a motion for summary judgment in North Carolina state court, and two complaints and accompanying motions for preliminary injunctions seeking COVID-19-related emergency relief, one in state court and one in federal court.

Third, the requested extension will not prejudice the government, which has sought and obtained numerous substantial extensions of time in this case, both from the

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court of appeals below and from this Court. The court of appeals issued its judgment on April 25, 2019. On May 28, the government successfully sought a 45-day extension of the time in which to petition for rehearing, up to and including July 25. On July 11, the government successfully sought an additional 28-day extension, up to and including August 22. The government petitioned for rehearing on the extended due date, and the court of appeals denied rehearing on September 26. On September 30, the government successfully sought a stay of the mandate. On December 13, the government then successfully applied to this Court for a 30-day extension of the time in which to file a petition for a writ of certiorari, up to and including January 24, 2020. On January 14, the government successfully applied for an additional 28-day extension, up to and including February 21. The government then filed its petition on the extended due date. In total, the government has sought and obtained a total of 131 days' worth of extensions since the court of appeals issued its judgment approximately one year ago.

Fourth, the requested extension will aid the Court's substantive consideration of the petition. The government's petition does not seek plenary review, but instead asks the Court to (1) hold the petition pending the Court's decision in *Department of Homeland Security v. Thuraissigiam*, No. 19-161 (oral argument held Mar. 2, 2020), and then (2) grant, vacate, and remand in light of the Court's prior decision in *Nieves v. Bartlett*, 139 S. Ct. 1715 (2019), and, if also appropriate, *Thuraissigiam*. The requested extension of time up to and including July 6 will ensure that Respondent's brief in opposition can be filed after *Thuraissigiam* is decided by the end of the current term. The extension thus will enable Respondent to address in his brief in opposition how the Court's forthcoming decision in *Thuraissigiam* may affect the proper disposition of the petition.

Respectfully Submitted,

ARNOLD & PORTER
KAYE SCHOLER LLP

By /s/ R. Stanton Jones
R. Stanton Jones

cc: Noel J. Francisco, Solicitor General