

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER DEVON JACKSON, *Petitioner*

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *Respondent*,

ON WRIT OF CERTIORARI TO THE
COURT OF APPEALS FOR THE FIFTH CIRCUIT

UNOPPOSED MOTION TO EXTEND TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI

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** Admission Pending, Counsel of
Record Below*

CAPITAL CASE

OPINIONS BELOW

The opinion of the Fifth Circuit Court of Appeals denying Mr. Jackson's application for certificate of appealability is at *Jackson v. Davis*, 756 Fed.Appx. 418 (5th Cir. 2018). That opinion and the Fifth Circuit's order denying Jackson's petition for rehearing are attached to this Motion.

JURISDICTION

Petitioner invokes this Court's jurisdiction to grant the Petition for a Writ of Certiorari to the Fifth Circuit Court of Appeals on the basis of 28 U.S.C. § 1254. The Court of Appeals denied Petitioner's application for certificate of appealability on December 18, 2018. And denied the petition for rehearing on February 19, 2019.

This motion is filed within ten days of the date the petition is due, and extraordinary circumstances for the filing of this request for an extension are shown below.

**UNOPPOSED REQUEST FOR EXTENSION OF TIME TO FILE
PETITION FOR CERTIORARI**

Petitioner respectfully requests an extension of sixty days of the time to file a petition for certiorari from the current date of May 20, 2019, to July 19, 2019. Undersigned counsel has conferred as to this request with Assistant Attorney General Stephen Hoffman, counsel for Respondent, and he has advised that the request for extension is not opposed.

Petitioner requests this extension for several reasons, chief among them undersigned counsel's workload during the period from the Fifth Circuit's ruling to the current deadline, including the following: Counsel is lead counsel in multiple civil cases with active dockets, including *Eagle Air Med Corporation, et al. v. Sentinel Air Medical Alliance, et al.*, Case No. 2:16-cv-00176-TC (D. Utah), which case recently involved mandamus proceedings in the Tenth Circuit Court of Appeals in *In re Jeffrey Frazier and Sentinel Air Medical Alliance, LLC*, Case No. 19-4049 (10th Cir. 2019); *Air Evac, EMS v. Kent Sullivan, et al.*, Case No. 18-50722 (5th Cir. 2018); and several Texas state court and other matters currently in arbitration.

Counsel was appointed by the district court to represent Mr. Jackson in this habeas case and is doing so *pro bono*.

Even despite counsel's workload, and the *pro bono* nature of this representation, counsel had anticipated being able to complete and file the petition by the deadline of May 20, 2019. However, certain personal and family matters have also arisen in the past two weeks, as well as unforeseen developments in counsel's active cases requiring mandamus and proceedings, and it has now become clear that additional time is necessary to file the petition.

Finally, but importantly, just this week additional co-counsel has agreed to and has been approved by Petitioner to represent Petitioner in this case. Because co-counsel is only just now beginning the process of becoming familiar with the case, and seeking permission of the district court below to enter an appearance on behalf of Petitioner, an extension of time is required for new co-counsel to have input into the arguments raised in the forthcoming petition for writ of certiorari.

Counsel believes that an additional sixty days, until and including July 19, 2019, will permit adequate time to file the petition for writ of certiorari.

**EXTRAORDINARY CIRCUMSTANCES WARRANT THE
PERMITTING THIS EXTENSION OF TIME WITHIN 10 DAYS**

Supreme Court Rule 13 requires an application for an extension of time for a writ of certiorari to be filed at least 10 days before the date the petition is due, except in extraordinary circumstances. Extraordinary circumstances exist here for the following reasons: counsel for Mr. Jackson anticipated being able to file a petition for writ of certiorari in timely fashion until only this week, when it became apparent that additional time would be needed. The circumstances that have developed recently include a major illness within counsel's family, as well as unforeseen deadlines arising within counsel's most active district court case cited above. Moreover, it was only this week that new co-counsel agreed to and was approved by Petitioner to serve as counsel in this case, and an additional period of time for co-counsel to have any input into the petition is necessarily required.

Moreover, the balance of harms weighs in favor of an extension. An extension of time, even though sought within ten days of the due date, will not prejudice Respondent. Absent an extension of time, Petitioner will be deprived of the right to seek this Court's review of the denial below of his federal habeas claims in this capital case. An

extension of time will not further meaningfully delay proceedings, since Jackson was convicted and sentenced to death in April 2007.

Finally, counsel for Respondent has stated that he has no objection to the extension of time sought by this request even despite it being within ten days of the date the petition would otherwise be due.

CONCLUSION

Petitioner respectfully requests that this Court grant an extension of sixty days for the filing of his petition for certiorari.

Dated: May 16, 2019

Respectfully submitted,

/s/ James A. Hemphill

James A. Hemphill

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Christopher Jackson

CERTIFICATE OF SERVICE

I, Matthew Baumgartner, counsel for Petitioner-Applicant Christopher Devon Jackson, certify that on May 16, 2019, a copy of the foregoing Unopposed Motion to Extend Time to File Petition For A Writ Of Certiorari to the U.S.C. Court of Appeals for the Fifth Circuit in Jackson v. Davis, was electronically mailed to counsel for respondent:

Mr. Stephen Hoffman
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Stephen.Hoffman@texasattorneygeneral.gov

I further certify that all parties required to be served have been served.

/s/ Matthew Baumgartner
Matthew Baumgartner