

No. 19-6432

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL ANTHONY THIBODEAUX,
Petitioner,

v.

DREW EVANS,
Applicant.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
A RESPONSE TO PETITION FOR A WRIT OF CERTIORARI**

BRADFORD COLBERT
Attorney
Atty. Reg. No. 166790

875 Summit Avenue, Room 254
St. Paul, MN 55015
Telephone: (651) 290-8651
brad.colbert@mitchellhamline.edu

ATTORNEY FOR PETITIONER

Office of the Attorney General
State of Minnesota

Matthew Frank
Assistant Attorney General
445 Minnesota Street, Suite 1800
St. Paul, Minnesota, 55101-2128
Telephone: (651) 757-1448
Email: matthew.frank@ag.state.mn.us

COUNSEL OF RECORD FOR APPLICANT

To the Honorable Justice Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eighth Circuit:

1. Requested Extension: Pursuant to 28 U.S.C. § 2101(c) and Rules 15.3, 22, and 30.3 of the Rules of this Court, *Applicant*, Drew Evans, Minnesota Bureau of Criminal Apprehension (BCA) Superintendent, respectfully requests a 30-day extension of time, up to and including December 30, 2019, within which to file a response to the petition for a writ of certiorari to review the judgment of the Minnesota Court of Appeals in this case.

2. Response to Petition for a Writ of Certiorari Timeline: After receiving an extension of time to file the petition, Petitioner filed a petition for a writ of certiorari of a Minnesota Court of Appeals decision, *Thibodeaux v. Evans*, 926 N.W.2d 602 (Minn. Ct. App. 219) on October 23, 2019. The Minnesota Supreme Court had denied review of that decision on June 26, 2019. This Court docketed the petition for a writ of certiorari on October 29, 2019. However, Applicant did not receive Petitioner's notice of docketing pursuant to Rule 12.3 until November 12, 2019. Without an extension, any response to the petition for a writ of certiorari is due November 29, 2019.

3. Rule 15.3 Elements: As per the requirements of Rule 15.3, this application has been filed 10 days before the November 29, 2019 deadline for filing.

4. Background: This case involves the issue of whether the Procedural Due Process Clause of the United States Constitution was violated by Minnesota's application of its Predatory Offender Registration Statute, Minn. Stat. § 243.166, to Petitioner.

5. Request: Applicant submits that good cause exists for an extension because it did not receive notice of docketing of the matter, which Rule 12.3 requires be served promptly, until November 12, 2019, almost two weeks into the 30-day response period. In addition, Petitioner

cites numerous federal and state court decisions for the first time in the petition. For these reasons and the existing case load of Applicant's counsel, Applicant respectfully requests that the Court find, good cause for a 30-day extension.

Applicant respectfully requests a 30-day extension of time, up to and including December 30, 2019, within which to file a response to petition for a writ of certiorari to review the judgment of the Minnesota Court of Appeals in this case.

Dated: November 19, 2019

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

s/Matthew Frank

MATTHEW FRANK
Assistant Attorney General
MN Atty. Reg. No. 021940X

445 Minnesota Street, Suite 1800
St. Paul, Minnesota 55101-2128
(651) 757-1448 (Voice)
(651) 297-4348 (Fax)
matthew.frank@ag.state.mn.us

Counsel of Record for Applicant