

No. A-

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT HENDRICKS, Petitioner

v.

UNITED STATES OF AMERICA, Respondent

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Second Circuit

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

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To the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant Robert Hendricks (“Applicant”) requests a 60-day extension of time, to and including, Friday, December 6, 2019, within which to file a petition for a writ of certiorari in this case. Applicant’s appeal from the judgment and conviction was affirmed by the court of appeals in an authored opinion dated April 11, 2019. Applicant’s petition for rehearing or *en banc* review was denied on July 9, 2019. Unless extended, the time to file a petition for a writ of certiorari will expire on October 7, 2019. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). A copy of the Second Circuit’s opinion affirming the judgment reported at *United States v. Hendricks*, 921 F.3d 320 (2d Cir. 2019) is attached as Exhibit A, and the Second Circuit’s summary order denying rehearing is attached as Exhibit B.

The issue raised by this case concerns whether the concededly erroneous admission of prejudicial racially charged evidence is structural and therefore not subject to the harmless error rule.

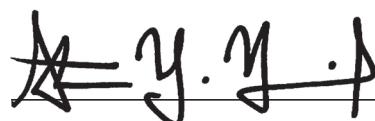
Good cause exists for this application. Counsel has been appointed to represent applicant pursuant to the Criminal Justice Act. Applicant is currently confined out of state making communications by counsel with applicant particularly difficult. Moreover, counsel will be out of the office for the upcoming Jewish holidays of Rosh Hashana, Yom Kippur and the entire 9-days of Sukkos.

Moreover, Applicant should be permitted an opportunity to review and provide input regarding the issues to be raised. Finally, counsel's other professional obligations in the Second Circuit, and other courts, has prevented him from devoting himself fully to this matter. The additional two months will permit counsel to fully research the issues to be raised, consult with and received input from applicant and allow for a professional submission to this Court.

The government (AUSA Rajit Dosanjh) has authorized me to state that it has no objection to the granting of this application. No party will be prejudiced by the extension sought.

Respectfully submitted.

September 27, 2019



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