

NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

RAMIRO RUBI IBARRA,

Petitioner,

vs.

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

Respondent.

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

**UNOPPOSED APPLICATION FOR A 30-DAY EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

RUSSELL D. HUNT, JR. *
Attorney at Law
Texas State Bar No. 00790937
310 South Austin Avenue
Georgetown, Texas 78626
TEL: (512) 930-0860
r2@rhjrlaw.com

NAOMI E. TERR
Attorney at Law
Texas State Bar No. 24033379
P.O. Box 19252
Houston, Texas 77224
TEL: (713) 471-3943
naomiterr@gmail.com

** Counsel of Record
Counsel for Petitioner*

**UNOPPOSED APPLICATION FOR A 30-DAY EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

To the Honorable Samuel Alito, Associate Justice, and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

1. This is a capital habeas corpus proceeding. On August 26, 2019, a panel of the Fifth Circuit issued an opinion affirming the final order of a district court denying habeas relief to Mr. Ibarra. See App. 1. Mr. Ibarra timely filed a petition for rehearing, which was denied on October 22, 2019. App. 2.

2. Mr. Ibarra has until January 20, 2020, to file a petition for a writ of certiorari seeking review of the Fifth Circuit's decision. *See* U.S.S.Ct.R. 13.1.

3. Under Rule 13.5 and Rule 30.3, this Court may extend the time for seeking certiorari for up to sixty (60) additional days. Mr. Ibarra presently requests an extension of thirty (30) days, up to and including February 19, 2020. Counsel for the respondent does not oppose the requested extension of time.

4. While counsel has been able to begin the process of researching and preparing a petition for writ of certiorari, counsel will require additional time to do so, given their obligations in other cases.

5. The issues to be presented in Mr. Ibarra's capital case are significant, including the proper interpretation and application of the Sixth Amendment and this Court's decision in *Martinez v. Ryan*, 566 U.S. 1 (2012).

6. Counsel Russell Hunt, Jr., who has served as lead counsel in the case to date, has been preparing for individual voir dire of a capital case that was slated to begin on January 21, 2020 and has only recently been delayed. Attorney Hunt is now preparing for preferentially set murder and

non-death penalty capital murder jury trials in March, 2020, and for another non-death penalty capital murder jury trial in April, 2020.

7. Counsel Naomi Terr has work-related commitments requiring extensive travel during the first three weeks of January. Attorney Terr is assisting with a training from January 17 through January 19, 2020. In addition, she left the law firm with which she had worked for three years on January 1, 2020. The transition activities related to her change of employment situation have taken up a significant amount of her time during the last several weeks.

CONCLUSION

The application for extension of time should be granted, extending Mr. Ibarra's time to file a petition for writ of certiorari for thirty (30) days, until February 19, 2020.

Respectfully submitted,

RUSSELL D. HUNT, JR.
Attorney at Law
Texas State Bar No. 00790937
310 South Austin Avenue
Georgetown, Texas 78626
TEL: (512) 930-0860
r2@rhjrlaw.com



Counsel for Ramiro Rubi Ibarra

NAOMI E. TERR
Attorney at Law
Texas State Bar No. 24033379
P.O. Box 19252
Houston, Texas 77224
TEL: (713) 471-3943
naomiterr@gmail.com

/s/ Naomi E. Terr
Counsel for Ramiro Rubi Ibarra