

No. _____

IN THE
Supreme Court of the United States

RODNEY EMIL,

Petitioner,

v.

BRIAN E. WILLIAMS, SR., WARDEN,

Respondent.

On Petition for a Writ of Certiorari to the
Supreme Court of Nevada

**PETITIONER'S APPLICATION TO EXTEND TIME TO FILE PETITION
FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEVADA
(PETITION DUE MARCH 5, 2020)**

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**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

To the Honorable Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Petitioner Rodney Emil respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended to and including May 4, 2020. (Supr. Ct. R. 30.1) The Nevada Supreme Court entered its order denying rehearing on December 6, 2019. (*See App. A.*) Without an extension of time, the certiorari petition would be due on March 5, 2020. Mr. Emil is filing this Application at least ten days before that date. (Supr. Cr. R. 13.5) This Court would have jurisdiction over the judgment under 28 U.S.C. §1254(1).

BACKGROUND

In this death penalty case, the Supreme Court of Nevada denied Mr. Emil's petition for rehearing, filed under Nevada Rule of Appellate Procedure 40(c)(2)(B). The issues raised in Mr. Emil's pleadings relate to recent decisions from this Court, whether those decisions are retroactive, and whether this Court should reconcile its Sixth Amendment jurisprudence by overruling conflicting precedent.

THERE IS "GOOD CAUSE" FOR THIS MOTION

The attached declaration of counsel provides the basis for granting this request for an extension of time. In brief, counsel has begun working on this petition for certiorari, but her duties in other matters have taken away from the time necessary to complete the petition.

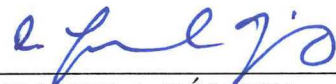
CONCLUSION

For the foregoing reasons, the time to file a Petition for Writ of Certiorari in this matter should be extended to and including May 4, 2020.

Respectfully submitted,

AMY M. KARLIN
Interim Federal Public Defender

DATED: February 20, 2020

By: 
C. PAMELA GÓMEZ*
SONIA L. FLEURY
Deputy Federal Public Defenders
Attorneys for Petitioner
**Counsel of Record*

DECLARATION OF C. PAMELA GÓMEZ

I, C. PAMELA GÓMEZ, declare:

1. I am an attorney licensed to practice law in the State of California. I am employed as a Deputy Federal Public Defender in the Capital Habeas Unit of the Federal Public Defender for the Central District of California. I, along with my colleague Sonia Fleury, represent Rodney Emil in this habeas corpus action. This declaration is filed in support of Petitioner's motion for extension of time.

2. On September 13, 2019, the Supreme Court of Nevada affirmed the district court's order denying Mr. Emil's post-conviction petition for writ of habeas corpus. *See Emil v. State*, 2019 WL 4447340 (September 13, 2019). On October 28, 2019, Mr. Emil filed a Petition for Rehearing in the Supreme Court of Nevada, which was summarily denied on December 6, 2019. I am requesting a 60-day continuance, up to and including May 4, 2020, within which to file and serve the petition for writ of certiorari in this Court.

3. I require additional time to prepare Mr. Emil's petition for writ of certiorari due to other case-related responsibilities. I am counsel of record on nine other capital habeas matters and three non-capital habeas cases, two of which involve juvenile defenders sentenced to life without parole. I am currently preparing for an evidentiary hearing on a capital case, which will commence on February 21, and am assigned to another federal capital case where the statute of limitations for a 28 U.S.C § 2255 motion has commenced. As such, my colleague, Sonia Fleury, will take primary responsibility for drafting the petition for writ of certiorari. Since

entering her appearance in this matter on November 25, 2019, she has devoted significant time to getting up to speed on Mr. Emil's case, but needs additional time to effectively research and finalize Mr. Emil's petition for writ of certiorari. She recently filed an initial habeas petition in another capital case to which she is assigned, and has significant responsibilities on additional capital and non-capital cases.

4. The additional time requested takes into consideration the time our supervisor needs to review and approve the petition for filing.

5. On February 19, 2020, I contacted Karen Mishler, Deputy District Attorney, who is assigned to this case. She indicated that she opposes this request for an extension of time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 20, 2020, at Los Angeles, California.



C. PAMELA GÓMEZ