

No. 19-8921

OCTOBER TERM, 2019

IN THE SUPREME COURT OF THE UNITED STATES

—————
Zane Floyd, Petitioner,

v.

William Gittere, Warden, et al., Respondents.

On Petition for Writ of Certiorari to the
Nevada Supreme Court

**MOTION TO DELAY DISTRIBUTION OF A PETITION FOR WRIT
OF CERTIORARI**

CAPITAL CASE

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

Pursuant to this Court’s March 19, 2020 Order, Petitioner Zane Floyd respectfully requests this Court delay distribution of his petition for writ of certiorari in *Floyd v. Gittere*, No. 19-8921, until the October 8, 2020 distribution date due to difficulties related to COVID-19.

1. Zane Floyd filed a petition for writ of certiorari on July 2, 2020. In the petition, Mr. Floyd raised one argument: whether a court assessing *Strickland* prejudice can dismiss significant evidence of brain damage on the ground it makes only a “limited additional contribution” compared to other mitigating evidence, or does evidence of brain damage have uniquely mitigating weight?

2. Respondent William Gittere submitted his brief in opposition on September 4, 2020, and a corrected brief on September 8, 2020.

3. Based upon the date of the brief in opposition, without an extension of time, Mr. Floyd's reply brief would need to be filed with the Court by the September 24, 2020 distribution deadline.

4. Mr. Floyd respectfully requests that this Court delay distribution of his petition for a writ of certiorari until the October 8, 2020 distribution deadline. While I have transitioned to working the majority of my time in the office, involvement in COVID-19 projects within the office, and my work on two federal capital trial cases (*United States v. Schlesinger*, case number CR 18-02719-TUC-RCC,; *United States v. Chapman*, case number 2:20-cr-00091-JCM-DJA) have hampered the progress on the reply.

5. The later distribution date creates a fourteen-day extension of time on the reply brief which is reasonable given the circumstances.

6. This request comes well before the two days prior to the current distribution date, as specified in the March 19, 2020 order.

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7. Respondent does not object to this request.

DATED this 11th day of September, 2020.

Respectfully submitted,

RENE VALLADARES
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/s/ Brad D. Levenson
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CERTIFICATE OF SERVICE

I hereby declare that on 11th day of September, 2020, I served Petitioner's
MOTION TO DELAY DISTRIBUTION OF A PETITION FOR WRIT OF
CERTIORARI via email to counsel for Respondent addressed as follows:

Jeffrey Conner
Deputy Solicitor General
Jconner@ag.nv.gov

/s Brad D. Levenson

BRAD D. LEVENSON
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