

No. _____

IN THE
Supreme Court of the United States

JONATHAN MOTA,

Applicant/Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Application for an Extension of Time Within
Which to File a Petition for Writ of Certiorari
to the Ninth Circuit Court of Appeals

**APPLICATION TO THE HONORABLE JUSTICE ELENA KAGAN
AS CIRCUIT JUSTICE**

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant/Petitioner Jonathan Mota respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari, to and including October 14, 2019.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *United States v. Mota*, No. 16-10468 (February 20, 2019) (attached as Exhibit 1). The Ninth Circuit denied Mr. Mota's petition for panel rehearing and rehearing en banc on May 15, 2019 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for a writ of certiorari pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before August 13, 2019. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant/Petitioner respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Ninth Circuit Court of Appeals in this case, to and including October 14, 2019.

The extension of time is sought largely because of the press of counsel's other business and work on behalf of indigent clients. For example, since the petition for rehearing was denied in this case on May 15, 2019, undersigned counsel has been

responsible for the following: (1) objections to a 95-page Report and Recommendation filed June 27, 2019, and a motion for stay of proceedings filed July 1, 2019, in *Bernardino v. Sherman*, No. 13-cv-8447 (C.D. Cal.); (2) an opening brief filed July 5, 2019 in *People v. Soto*, B292888 (Cal. Ct. App.); and (3) the review of the records in three cases arising from once-capital prosecutions—*Replogle v. Sherman*, No. 15-cv-597 (C.D. Cal.), *Gran v. Gastelo*, 18-cv-1745 (E.D. Cal.), and *Villalobos v. Ryan*, No. 17-cv-633 (D. Ariz.)—each of which involves tens of thousands of pages of transcripts.

Between today's date and the requested deadline of October 14, 2019, I have the following other professional responsibilities: (1) hearings set for July 30, 2019 and August 1, 2019 in appointed cases, both of which require air travel; (2) an opening brief due July 29, 2019 in *United States v. Singh*, No. 18-10260 (9th Cir.); (3) an opening brief due August 5, 2019 in *People v. Liggins*, A156843 (Cal. Ct. App.); (4) an opening brief due August 19, 2019 in *United States v. Fuentes-Castro*, No. 19-50111 (9th Cir.); (5) a reply brief due September 9, 2019 in *Velasquez v. Ndoh*, No. 17-17415 (9th Cir.); and (6) continued work, including planning and overseeing significant investigation, in connection with the three large-record habeas actions mentioned above.

Finally, because the issues that will be addressed in the petition for a writ of certiorari in this case were foreclosed by Ninth Circuit precedent at the time of that Court's decision, they were raised only briefly in order to preserve them for

presentation to this Court. Accordingly, significant additional research will be required in this case prior to drafting and filing the cert petition.

CONCLUSION

For the foregoing reasons, Applicant/Petitioner Jonathan Mota respectfully requests that this Court grant an extension of time of 60 days, to and including October 14, 2019, within which to timely file a petition for a writ of certiorari in this case.

Respectfully submitted,

DATED: July 22, 2019

/s/ Elizabeth Richardson-Royer
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