

Application No. _____

In the Supreme Court of the United States

JOSE BERNAL RAMIREZ
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent.

On Application for Extension of Time to File a Petition for Writ of Certiorari
To the United States Court of Appeals for the Ninth Circuit

PEITITONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

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

Petitioner Jose Bernal Ramirez respectfully requests that the time to file a petition for writ of certiorari in this matter be extended for forty-five days up to and including January 24, 2019. The Ninth Circuit Court of Appeals issued its opinion on September 11, 2019. See App. A. This request is made pursuant to Rules 13.5 and 30.2 of this Court. Mr. Ramirez and the government were the only two parties in this direct appeal, and Mr. Ramirez is the only party requesting an extension of time. Should Mr. Ramirez file a petition, it is presently due December 10, 2019. In support of his motion, Mr. Ramirez states as follows:

1. The Court's jurisdiction is invoked under 28 U.S.C. § 1245(1).
2. The memorandum opinion of the Ninth Circuit Court of Appeals in *United States v. Ramirez*, COA No. 18-10199, is attached as App. A to this application.
3. Mr. Ramirez seeks a 45-day extension of time in which to file any petition for writ of certiorari, from December 10, 2019, up to and including January 24, 2019.
4. As good cause for his application, Mr. Ramirez cites the following factors as support for his requested extension:
 - a. It is expected that a petition for certiorari in this case would present the following issues: (1) whether a state offense that encompasses negligent conduct may qualify as a "crime of violence" under 18 U.S.C. § 16, and (2) whether an immigration removal proceeding may be conducted, and a valid

removal order issued, on the basis of a putative “notice to appear” that does not comply with the statutory requirement to provide the date or time of the removal proceeding, as required by 8 U.S.C. § 1229(a)(1). These issues are complex, and the latter issue would require significant additional analysis in light of recent circuit decisions.

With respect to the first issue, reasons offered to grant the writ would include that the panel’s conclusion conflicts with *Leocal v. Ashcroft*, 543 U.S. 1 (2004), and *Elonis v. United States*, __ U.S. __, 135 S.Ct. 2001 (2015). With respect to the second issue, reasons offered to grant the writ would include that the panel’s decision conflicts with *Pereira v. Sessions*, __ U.S. __ 138 S.Ct. 2105 (2018), and *Kisor v. Wilkie*, __ U.S. __, 139 S.Ct. 2400 (2019).

b. Mr. Ramirez was determined to be indigent, and pursuant to 18 U.S.C. § 3006A, my office was appointed to represent him in the district court and on appeal. Undersigned counsel personally prepared Mr. Ramirez’s appeal.

c. Undersigned counsel is responsible for drafting or assisting on briefs in two appellate cases that have filing deadlines in December, 2019, and three district court cases that have filing deadlines in November or December, 2019.

d. Undersigned counsel will be on leave from November 25 to 29, 2019, and from December 23 to January 3, 2020.

5. This Motion is made in the interests of justice and not for purposes of delay. The combination of the complexity of the issues in this case, the workload

of counsel, and counsel's leave schedule establishes good cause for a forty-five day extension of time.

WHEREFORE, petitioner Ramirez requests that this Court grant him an extension of time up to and including January 24, 2020, in which to file any petition for writ of certiorari.

Respectfully submitted,



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