



July 14, 2021

VIA FEDERAL EXPRESS AND EMAIL

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543-0001
sharris@supremecourt.gov

**Re: *Ron Fenn v. City of Truth or Consequences, New Mexico, No. 20-1768*
Motion to Extend Time to Respond to Petition for Writ of Certiorari**

Dear Mr. Harris:

Pursuant to Supreme Court Rule 30.4, Respondent Daniel Hicks respectfully moves for an extension of time for filing his response to Petitioner Ron Fenn's *Petition for Writ of Certiorari*, until August 13, 2021. The Court placed this matter on the docket on June 21, 2021, so the current deadline for Respondent to file a brief in response to the Petition is July 21, 2021.

Review of Mr. Fenn's Petition reveals numerous arguments directed to Mr. Hicks that confuse and distort the questions at issue with respect to the District Court's and Court of Appeals for the Tenth Circuit's disposition of the claims against Mr. Hicks. Mr. Fenn concentrates upon the constitutionality of Mr. Hick's signing a trespass order. *See* Petition for Writ of Certiorari at 9-15. The District Court did not, however, reach the question of constitutionality in its analysis of Mr. Hicks's qualified immunity defense, and that question was not subject to any further analysis by the Tenth Circuit. *See id.* at Appx. 17a, Appx. 34a.

Thus, in order to adequately respond, Mr. Hicks must not only address the issues raised and argued below but also address these additional inapposite issues. To most effectively do so, Mr. Hicks requests an additional twenty-three (23) days to file his response. No prejudice will result from the requested extension.

REPLY TO:

325 Paseo de Peralta
Santa Fe, New Mexico 87501
Telephone (505) 982-3873 • Fax (505) 982-4289

Post Office Box 2307
Santa Fe, New Mexico 87504-2307

Scott S. Harris
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July 14, 2021
Page 2

For the foregoing reasons, Mr. Hicks respectfully requests an extension of the deadline for filing its response to the *Petition for Writ of Certiorari* from July 21, 2021, until August 13, 2021.

Respectfully submitted,

/s/ Stephen S. Hamilton
Stephen S. Hamilton
Counsel for Respondent Daniel Hicks

cc: A. Blair Dunn (Counsel for Petitioner)
Mark D. Standridge; Cody R. Rogers (Counsel for Respondents City of Truth or
Consequences, Lee Alirez, and Michael Apodaca)