



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 29, 2021

**By Electronic Filing and Overnight Delivery**

Scott Harris, Clerk of the Court  
Supreme Court of the United States  
Office of the Clerk  
1 First Street, N.E.  
Washington, D.C. 20543

Re: *Eric DeWayne Cathey v. Texas*, No. 21-466

Dear Mr. Harris:

A responsive brief in this death penalty case is due December 7, 2021. Respondent respectfully requests a thirty-day extension of the present deadline, up to and including January 6, 2022. This is counsel for Respondent's second request for an extension in this case. This request for an extension is not made for an improper purpose, including harassment or unnecessary delay. Rather, counsel requires additional time because, as indicated in the first request, he did not appear in the state court proceedings below and had recently received a copy of the records from those proceedings. Counsel has reviewed the records and is currently preparing a responsive pleading. Additionally, counsel recently filed a brief in *Gutierrez v. Saenz, et al.*, No. 1:19-CV-185 (S.D. Tex. Nov. 16, 2021). Further, counsel's office was closed for several days for the Veterans Day and Thanksgiving holidays and will be closed or with limited staff from December 23 to December 31, 2021. Moreover, counsel must devote a significant amount of time to his supervisory duties within his division, which have recently consumed much of counsel's time. Consequently, counsel has been unable to draft a responsive brief in the instant case, and additional time is needed to do so. The undersigned conferred with Petitioner's counsel who stated he is not opposed to this requested extension. Thank you for your consideration.

Respectfully submitted,

s/ Jefferson Clendenin  
JEFFERSON CLENDENIN  
Assistant Attorney General

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