

No. \_\_\_\_\_  
**CAPITAL CASE**

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In the  
**Supreme Court of the United States**

—◆—  
PAUL C. BOLIN,

*Petitioner,*

v.

RON BROOMFIELD,  
Warden of San Quentin State Prison,

*Respondent.*

—◆—  
On Petition for Writ of Certiorari  
to the United States Court of Appeals  
for the Ninth Circuit  
—◆—

**APPLICATION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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*Counsel for Petitioner*  
PAUL C. BOLIN

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**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:**

Petitioner PAUL C. BOLIN, through his counsel, respectfully requests a 60-day extension of time, to and including May 6, 2022, within which to file a petition for a writ of certiorari in this Court.

**A.**

The final judgment of the Ninth Circuit Court of Appeals, affirming the denial of Mr. Bolin’s petition for writ of habeas corpus, was entered on December 6, 2021, when that court denied Mr. Bolin’s timely petition for rehearing of its written opinion filed September 15, 2021. *See* Supreme Court Rule 13.3. Mr. Bolin’s time to petition for a writ of certiorari in this Court expires on March 7, 2022. *See* Rule 13.1. This application is being filed at least 10 days before that date. Rule 30.2.

The opinion of the Ninth Circuit is published at 13 F.4th 797. A copy is appended to this application.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254, paragraph (1). Mr. Bolin has been convicted and sentenced to death in violation of the protections guaranteed by the United States Constitution. The federal constitutional issues presented by this case include:

Whether a state or federal habeas court may reasonably conclude that a crime is so aggravated that no mitigation could result in a life verdict, so that ineffective assistance of counsel or other error at the penalty phase is necessarily not prejudicial?

Whether, consistent with *Strickland v. Washington*, 466 U.S. 668 (1984), a habeas court may require a petitioner to make a “compelling” showing of prejudice

from ineffective assistance of counsel, and may find an absence of prejudice based on a reasonable likelihood that the result of the trial could have been the *same* even in the absence of the ineffective assistance?

**B.**

The petition is being prepared by Robert D. Bacon, one of Mr. Bolin's counsels who is primarily an appellate practitioner and who drafted the briefs on these issues in the Ninth Circuit. Mr. Bacon is working diligently on the petition for certiorari, and will continue to do so. However, he will be unable to complete it by its present due date of March 7, 2022, and will require an additional 60 days within which to do so.

Mr. Bacon must divide his time between this case and his responsibilities to his other clients, including a clemency petition to the Governor of California on behalf of another client under sentence of death; settlement negotiations on behalf of a third client under sentence of death; and addressing the circumstances of the recent and continuing serious illness of the latter client.

There appears to be substantial similarity between the issues in this case and the issues presented in the pending certiorari petition in *Andrus v. Texas*, No. 21-6001, which has been rescheduled a number of times. We have consulted with Mr. Andrus' counsel concerning those issues. The *Andrus* petition has not yet been acted upon but may well be within the next two months. If the *Andrus* petition is acted upon during that time, we may be able to draft a petition on behalf of Mr. Bolin that will be more useful to the Court by taking into account the Court's action in *Andrus*. That would not be possible if the current due date were not extended.

C.

This extension of time is not being requested for purposes of delay, and is not likely to cause delay. Governor Gavin Newsom has ordered that no executions be scheduled or conducted by the California Department of Corrections and Rehabilitation (CDCR). CDCR has no procedures in place for conducting executions, nor physical facilities for conducting them. The Ninth Circuit has stayed issuance of its mandate in this case pending the final action of this Court. No. 16-99009, Doc. 109 (Sept. 15, 2020).

WHEREFORE, Paul C. Bolin respectfully requests that a 60-day extension of time be granted within which to file a petition for a writ of certiorari in this Court.

DATED: February 22, 2022.

Respectfully submitted,

HEATHER E. WILLIAMS

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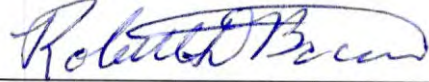
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*Counsel for Petitioner*

PAUL C. BOLIN

**DECLARATION**

I declare under penalty of perjury that the statements made in this application are true. Signed at Oakland, California, February 22, 2022.

A handwritten signature in blue ink, appearing to read "Robert D. Bacon", written over a horizontal line.

**\*ROBERT D. BACON**  
*Counsel of Record\**