

App. No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Servando Gonzalez Galvan,

Petitioner

v.

Merrick B. Garland, Attorney General,

Respondent.

ON APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF *CERTIORARI* TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITIONER'S APPLICATION TO EXTEND TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI

Erica Hashimoto, Director
Georgetown University Law Center
Appellate Litigation Program
111 F Street NW, Suite 306
Washington, D.C. 20001
(202) 662-9555
applit@law.georgetown.edu

October 1, 2021

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To The Honorable John G. Roberts, Jr., as Circuit Justice for the
United States Court of Appeals for the Fourth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Servando Gonzalez Galvan respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended for forty-five days to December 9, 2021. The Court of Appeals issued its opinion on July 27, 2021. Absent an extension of time, the Petition would therefore be due on October 25, 2021. Petitioner is filing this Application at least ten days

before that date. *See* S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. §1254(1).

REASONS FOR GRANTING AN EXTENSION OF TIME

The time to file a Petition for Writ of Certiorari should be extended for forty-five days for these reasons:

1. The request for the extension of time is justified in order to provide Mr. Gonzalez Galvan's legal team adequate time to prepare the petition:
 - a. Assigned counsel is the Director of the Appellate Litigation Program at the Georgetown University Law Center. The Appellate Litigation Program is a student clinic run through the law school in which third-year students, under the supervision of licensed attorneys, litigate appeals in this and other courts.
 - b. The personnel of the clinic turns over during the summer. The students in the clinic who prepared the briefs before the United States Court of Appeals for the Fourth Circuit have graduated.

- c. The attorney who directly supervised the students in the proceedings below was a clinical fellow who has also graduated.
 - d. The turnover in clinic personnel necessitates additional time for the new legal team to familiarize itself with the case and to brief the issues fully. In this regard, the matter is akin to a change in counsel which has supplied “good cause” for a time extension under this Court’s rules. *See Gressman et al.*, Supreme Court Practice at § 6.7 (A)(4) (11th ed. 2019).
- 2. The extension will provide adequate time for the new legal team fully to prepare a *certiorari* petition on Mr. Gonzalez Galvan’s behalf.
 - 3. Similar applications previously have been approved by justices of this Court. *See, e.g.*, Application No. 19A212 (*Bowling v. Clarke*) (Aug. 22, 2019) (application for extension of time granted by Chief Justice Roberts in light of turnover of appellate litigation clinic personnel and change in grounds for petition); Application No. 12A105 (*Carrillo v. Tucker*) (July 20, 2012) (application for

extension of time granted by Justice Thomas in light of turnover of appellate litigation clinic personnel).

4. No meaningful prejudice would arise from the extension:

- a. This Court would most likely not hear this case until the October 2021 Term regardless whether this motion is granted.
- b. This petition concerns Mr. Gonzalez Galvan's eligibility for cancellation of removal. He has already been removed to Mexico, where he currently resides.

CONCLUSION

For the foregoing reasons, the application should be granted and the deadline for filing a petition for a writ of *certiorari* should be extended forty-five days to and including December 9, 2021.

Respectfully submitted,

/s/ Erica Hashimoto

Erica Hashimoto, Director
Georgetown University Law Center
Appellate Litigation Program
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Washington, D.C. 20001
(202) 662-9555
applit@law.georgetown.edu
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