
In The
SUPREME COURT OF THE UNITED STATES
October Term 2021

Leroy McGill,
Applicant,

v.

David Shinn
Respondent.

Application for an Extension of Time Within
Which to File for a Writ of Certiorari to the United States Court of Appeals
for the Ninth Circuit

APPLICATION TO THE HONORABLE JUSTICE
ELENA KAGAN AS CIRCUIT JUSTICE

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April 29, 2022

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Leroy McGill hereby requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Thursday, June 9, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Leroy McGill v. David Shinn*, No. 19-99002 (9th Cir. Oct. 21, 2021) (attached as Exhibit 1). The Ninth Circuit Court of Appeals denied Applicant's motion for rehearing or modification on February 9, 2022 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before May 10, 2022. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the Ninth Circuit in this case, up to and including Thursday, June 9, 2022.

1. Applicant has requested that the Northwestern University School of Law Supreme Court Practicum assist in the preparation of their petition. An extension of time will permit the students the time necessary to complete a cogent and well-researched petition.

2. Counsel requests a 30-day extension in order to allow the Northwestern Practicum adequate time to research and complete the petition after the reading period and spring semester exams, which starts on April 20 and ends on May 5, 2022.

3. The extension of time is also necessary because of the press of other client business. For example, in the coming months, the Northwestern Practicum has several overlapping commitments representing other clients in this Court, including petitions for writs of certiorari in *Miclaus v. United States* (21-A529) and *Amaral v. Ryan* (21-); potential reply briefs in *Moshrefi v. Colorado* (No. 21-7468), *Hunter v. United States* (21-7700), and *Wortham v. United States* (21-7703). Mr. Green is counsel of record in three D.C. Court of Appeals cases currently briefing and/or preparing for oral argument, *Johnson v. United States*, (No. 13-CF-493), *Minor v. United States*, (No. 18-CF-0686), and *Neal v. United States* (No. 17-CF-1346), and has ongoing litigation in the District Court for the District of Columbia, the Delaware District Court, and the Eastern District of Pennsylvania. A 30-day extension for the Applicant would allow Mr. Green the necessary amount of time to effectively contribute to all open matters including Applicant's petition as well as his other client business, and would also allow the Northwestern Practicum students sufficient time for research and drafting efforts per Applicant's request.

4. Attorney Jennifer Garcia needs additional time in which to prepare and draft an amended petition for writ of habeas corpus due on May 9, 2022, and a petition for rehearing and rehearing en banc due on June 13, 2022, both in capital habeas cases.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 30 days, up to and including Thursday, June 9, 2022, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

/s/ Jeffrey T. Green

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