
**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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May 27, 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 an additional 30-day extension of time within which to file a petition for a writ of certiorari up to and including Monday, July 11, 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). The Ninth Circuit Court of Appeals denied Applicant's motion for rehearing or modification on February 9, 2022.

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 June 9, 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 an additional 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 Monday, July 11, 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 an additional 30-day extension in order to allow the Northwestern Practicum adequate time to research and complete the petition. The Practicum's regular semester has ended and proceeds with a much reduced number of participants in the late spring and summer.

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 *Womack v. United States* (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 also counsel of record in an amicus brief on the merits in *Merrill v. Milligan* (No. 21-1086 Vide 21-1087). Mr. Green is the 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 a petition for rehearing and rehearing en banc in a capital habeas case due on June 13, 2022.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 30 days, up to and including Monday, July 11, 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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