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April 12, 2023

Via E-File

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Prible v. Lumpkin*, No. 22-6798 (Capital Case)

Dear Mr. Harris:

In accordance with Supreme Court Rule 30.4, Respondent Bobby Lumpkin respectfully moves for a second extension of the time for filing the response to the petition for a writ of certiorari in this matter.

Petitioner filed a petition for a writ of certiorari on February 14, 2023, which was docketed on February 16, 2023. Respondent requested, and received, a 45-day extension, which created a new filing date of May 4, 2023. Respondent now requests a 15-day extension, which would create a filing deadline of May 19, 2023.

My staff reached out to counsel for Petitioner via email to ask for Petitioner's position on this motion. Petitioner's counsel advised that the requested extension is opposed.

The extension is necessary because lead counsel for Respondent faces additional briefing and argument obligations. The press of business from numerous and complex matters with deadlines overlapping with the current deadline requires significant time and attention from undersigned counsel and counsel assisting with this matter.

Those matters include:

- *Hernandez v. Kloesel*, No. 6:20-cv-34 (S.D. Tex.) (motion to certify filed Mar. 15, 2023)
- *LG Chem America, Inc. and LG Chem Ltd., v. Morgan*, No. 21-0994 (Tex.) (argument held Mar. 22, 2023)
- *Texas v. EPA*, No. 23-60069 (5th Cir.) (response to motion to transfer venue filed Mar. 27; reply in support of motion to stay final rule filed Apr. 10)
- *Texas v. Brooks-LaSure*, No. 6:23-cv-00161 (E.D. Tex.) (complaint filed Apr. 5, 2023)
- *Lake v. NextEra Energy*, No. 22-601 (U.S.) (discussion with the Office of the U.S. Solicitor General regarding invitation of the Court to file a brief expressing the views of the United States scheduled for the week of April 24, 2023)
- *Paxton v. Commission for Lawyer Discipline*, No. 05-23-00128-CV (Tex. App. — Dallas) (reply brief due Apr. 25, 2023)
- *TDFPS v. Grassroots Leadership*, No. 23-0912 (Tex.) (petition for review due Apr. 26, 2023)
- *Daywalker v. UTMB*, No. 22-40813 (5th Cir.) (appellees' brief due May 17, 2023)
- *Tong v. Lumpkin*, No. 19-70008 (5th Cir.) (appellee's brief due May 26, 2023)
- *Texas v. Biden*, No. 23-10143 (5th Cir.) (appellees' brief due June 18, 2023).

Counsel of record also has significant involvement with several confidential matters concerning the Texas 88th Legislative Session, which runs through May 29, 2023. Additionally, counsel assisting with this matter will be on pre-planned leave between April 17 and April 21, 2023.

For the foregoing reasons, Respondent respectfully requests a 15-day extension of the deadline to file the response to the petition for a writ of certiorari, creating a new deadline of May 19, 2023.

Respectfully submitted.

/s/ Judd E. Stone II

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