

THIS IS A CAPITAL CASE

No. _____

In the Supreme Court of the United States

RAY DANSBY,

Petitioner

v.

DEXTER PAYNE, Director,
Arkansas Department of Correction,

Respondent

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

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

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eighth Circuit:

Under Rule 13.5, Petitioner Ray Dansby respectfully requests an extension of fifty-nine days, up to and including Friday, March 31, 2023, in which to file a petition for a writ of certiorari.

Petitioner will seek review of an opinion of the United States Court of Appeals for the Eighth Circuit in *Dansby v. Payne*, Nos. 19-3006/19-3105, 47 F.4th 647 (Aug. 25, 2022), attached as Appendix A. The Eighth Circuit denied a timely filed petition for rehearing on November 2, 2022. *See* Appendix B. The time to file a petition for a

writ of certiorari in this Court currently expires on January 31, 2023. This application has been filed more than ten days before that date. The Court has jurisdiction under 28 U.S.C. § 1254(1).

An extension of time is necessary to adequately prepare an argument on a significant constitutional question in a capital habeas corpus case. The petition will concern the extent to which the Confrontation Clause permits a court to limit a defendant's ability to cross-examine a jailhouse informant regarding a prototypical form of bias: charges against the informant that did not result in a conviction.

Counsel's duties in other death-penalty matters will prevent him from completing the petition in the time Rule 13.1 allows. Dansby was represented in the district court and in the Eighth Circuit by attorneys who no longer work at the Federal Defender's Office. The undersigned has only recently taken on the case. These departures have also left the undersigned as lead counsel in a capital case with a federal habeas petition due next week. As chief of the capital habeas unit, the undersigned is supervising a number of capital habeas cases with pending deadlines and is working on cases with deadlines for which he is primarily responsible. For example, he has an Eighth Circuit brief due in *Roberts v. Payne*, No. 22-1935, on February 22. A death in the family last week has drawn him away from his professional responsibilities and has further limited the time available for working on the petition in this case.

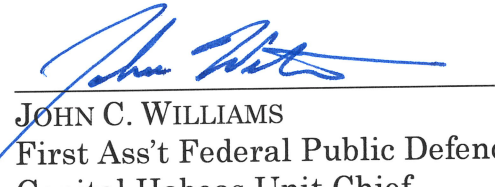
An extension will not prejudice Respondent. The undersigned contacted Nicholas J. Bronni, Solicitor General of Arkansas and counsel for the Respondent, who stated he does not object to the additional time.

WHEREFORE, Petitioner Ray Dansby respectfully requests that the Court allow him until March 31, 2023, to file his petition for a writ of certiorari.

JANUARY 19, 2023

Respectfully submitted,

LISA G. PETERS
FEDERAL PUBLIC DEFENDER



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