

IN THE
Supreme Court of the United States

RICHARD EUGENE GLOSSIP,
Petitioner,

v.

STATE OF OKLAHOMA,
Respondent.

ON WRIT OF CERTIORARI TO THE
OKLAHOMA COURT OF CRIMINAL APPEALS

**CONSENT APPLICATION FOR EXTENSION OF TIME
TO FILE REPLY BRIEFS ON THE MERITS**

To the Honorable Brett M. Kavanaugh, Circuit Justice for the Sixth and Eighth Circuits:¹

Pursuant to this Court’s Rule 30.3, Petitioner Richard Eugene Glossip respectfully requests a seven-day enlargement of time to and including August 14, 2024, to file his reply brief on the merits in this case and for the State of Oklahoma to file its reply brief as respondent supporting the petitioner. Respondent and the Court-appointed amicus curiae in support of the judgment below consent to the proposed enlargement.

The Oklahoma Court of Criminal Appeals entered judgment on April 20, 2023. Petitioner filed a timely petition for certiorari on May 4, 2023, which this Court granted on January 22, 2024. Petitioner and respondent filed their opening briefs on the merits

¹ This Application is made to Justice Kavanaugh pursuant to Rule 22.3 because Justice Gorsuch, Circuit Justice for the Tenth Circuit, has recused from this case. *See, e.g.*, Order, May 5, 2024 (granting application for stay of execution and noting Justice Gorsuch’s non-participation); *see also* S. Ct. R. 22.3 (where Circuit Justice is “unavailable for any reason,” an application addressed to an individual Justice “will be distributed to the Justice then available who is next junior to the Circuit Justice”).

on April 23, 2024. The brief of the Court-appointed amicus in support of the judgment below is due to be filed on July 8, 2024, making the petitioner's and respondent's reply briefs on the merits due on August 7, 2024. Oral argument in this case has not yet been set.

On March 27, 2024, counsel for respondent the State of Oklahoma requested that the Court set the following proposed briefing schedule:

Petitioner's brief and respondent's brief in support: April 23, 2024;

Brief of Court-appointed amicus: July 8, 2024;

Reply briefs: August 14, 2024.

The Court granted respondent's request on April 4, 2024, and set the time to file the joint appendix and petitioner's and respondent's briefs on the merits on April 23, 2024, and the time to file the brief of the Court-appointed amicus in support of the judgment below on July 8, 2024. The Court did not address the requested date for the reply briefs.

Petitioner now respectfully requests that the Court grant the previously requested enlargement of time to file the reply briefs to August 14, 2024. Good cause exists to support the enlargement due to previously scheduled travel and medical leave of counsel. Counsel for respondent and the Court-appointed amicus have indicated that the undersigned may inform the Court of their consent to the requested enlargement of time.

For the foregoing reasons, petitioner respectfully requests that the time for filing reply briefs on the merits in this case be extended to and including August 14, 2024.

Respectfully submitted,

/s/ Seth P. Waxman

SETH P. WAXMAN

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MAY 21, 2024

CERTIFICATE OF SERVICE

I, Seth P. Waxman, a member of the bar of this Court, hereby certify that on this 21st day of May, 2024, I caused all parties requiring service in this matter to be served copies of this Application for Extension of Time to File Reply Brief on the Merits via first-class mail to the addresses below.

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