

No.

IN THE SUPREME COURT OF THE UNITED STATES

JOHN EDWARD SANSING, Petitioner,

vs.

DAVID SHINN, ET AL., Respondents.

CAPITAL CASE

**APPLICATION TO EXTEND TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

JON M. SANDS
Federal Public Defender
District of Arizona

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Attorney for Petitioner John Edward Sansing

To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner John Edward Sansing respectfully requests a 57-day extension of time, up to and including Friday, December 23, 2022, within which to file a Petition for Writ of Certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case. If not extended, the time for filing a Petition will expire on October 27, 2022. Consistent with Rules 13.5 and 30.2, this application is being filed at least ten days before that date. This Court has jurisdiction pursuant to 28 U.S.C. § 1254 and Supreme Court Rule 10. Jeffrey Sparks, counsel for Respondents in this matter, has no objection to the requested extension of time.

JUDGMENT FOR WHICH REVIEW IS BEING SOUGHT

On May 17, 2021, the United States Court of Appeals for the Ninth Circuit affirmed the United States District Court's denial of Mr. Sansing's petition for writ of habeas corpus. (Appendix A.) The court denied Mr. Sansing's timely filed petition for panel rehearing and/or petition for rehearing en banc and issued an amended opinion on July 29, 2022. (Appendix B.)

REASONS FOR THE REQUESTED EXTENSION OF TIME

Counsel respectfully requests a 57-day extension of time in which to file a petition for certiorari seeking review of the United States Court of Appeals for the

Ninth Circuit in this case, up to and including December 23, 2022. Ms. Garcia is currently sole counsel in this case and lead counsel in ten other capital habeas cases, and has a number of pending deadlines and responsibilities. First, in addition to her work on this case and her other responsibilities, Ms. Garcia has a reply to a brief in opposition to certiorari due in this Court on October 25, 2022. She is actively reviewing the extensive state-court records in two other cases and assisting with litigation in another case in which the Arizona Supreme Court has set an execution date for November 16, 2022. Further, the paralegal assigned to Mr. Sansing's case is also assigned to the case with the November 16th execution date.

Ms. Garcia also leads a committee in charge of capital-defense training events in Arizona and as part of that committee is currently finalizing agendas for two multi-day statewide seminars and beginning planning for a third. Ms. Garcia will be out of the office on December 2 and December 14-16 to attend and present as faculty at these seminars and has pre-planned leave scheduled the week of November 21, 2022. Finally, Ms. Garcia is assisting a family member who has serious medical issues and an upcoming surgery date the first week of November and will be out of the office during this time frame for that reason as well. For these reasons, counsel respectfully requests a 57-day extension of time in which to file the petition for writ of certiorari in this case. Ms. Garcia will work diligently to file Mr. Sansing's Petition for Writ of Certiorari on or before December 23, 2022.

