

No. _____

**In the
Supreme Court of the United States**

SEAN WRIGHT,

Petitioner,

V.

STATE OF ALASKA,

Respondent.

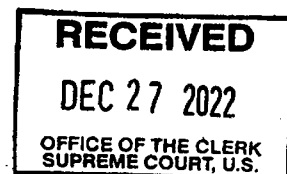
**On Petition for a Writ of Certiorari
to the U.S. Court of Appeals
for the Ninth Circuit**

**PETITIONER'S APPLICATION FOR LEAVE
TO FILE PETITION FOR WRIT OF
CERTIORARI OUT-OF-TIME**

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Petitioner Sean Wright respectfully seeks this Court's leave to file the instant petition for writ of certiorari out-of-time.

Pursuant to Rule 13 of Rules of the Supreme Court, the time to seek certiorari is 90 days from the issuance of the lower court judgment. However, undersigned counsel incorrectly believed that the date for time to seek certiorari was 90 days from the issuance of the mandate.

The Ninth Circuit's decision was issued on August 31, 2022. Accordingly, the petition for writ of certiorari was due on or before November 29, 2022. The instant petition for writ of certiorari is therefore 21 days late.

In support of leave to file the petition for writ of certiorari out-of-time, Petitioner states:

1. Undersigned counsel endeavored to have the correct date promptly calendared. However, undersigned counsel honestly believed that the petition for writ of certiorari was due within 90 days of the mandate. Consequently, the date was incorrectly calendared. This is a minor legal error and the requested extension is not being made for purposes of delay or harassment.
2. The petition for writ of certiorari is being filed within 90 days of the mandate. The requested extension is relatively brief.
3. Counsel is unaware what prejudice, if any the Respondent would experience if late filing is granted.
4. This Court has the discretion to grant leave to file the petition for writ of certiorari out-of-time.

See United States v. Ohio Power Co., 353 U.S. 98, 99 (1957) (granting certiorari out-of-time). Doing so is appropriate where the interests of justice make unfair strict application of the Court's rules. *Id.* *See also Bowles v. Russell*, 551 U.S. 205, 212 (2007) (“[t]he procedural rules adopted by the Court for the orderly transaction of its business are not jurisdictional and can be relaxed by the Court in the exercise of its discretion.”) (quoting *Schacht v. United States*, 398 U.S. 58, 64 (1970)).

5. Here, Mr. Wright has been seeking federal habeas review of his state convictions for over five years. He should not be faulted for the minor legal error by undersigned counsel.

For the foregoing reasons, Petitioner respectfully requests that the Court grant leave to hear Wright's petition for writ of certiorari outside the time limitations of Rule 13.

Respectfully submitted,

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