

CAPITAL CASE

No.

IN THE
Supreme Court of the United States

—————
KENNATH ARTEZ HENDERSON,
Petitioner,

v.

TONY MAYS, WARDEN,
Respondent.
—————

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

*To the Honorable Brett M. Kavanaugh, Associate Justice, and Circuit Justice
for the United States Court of Appeals for the Sixth Circuit:*

In this capital case, pursuant to Supreme Court Rule 13.5, Petitioner Kennath Artez Henderson respectfully applies for a sixty-day extension of time, to and including December 1, 2023, to file his petition for writ of certiorari.¹ In support of this Application, Mr. Henderson submits:

¹ The judgment for which Mr. Henderson intends to seek certiorari was issued July 3, 2023, making the 90-day deadline for his petition for certiorari Sunday, October 1, 2023. Pursuant to Supreme Court Rule 30.1, Mr. Henderson’s current filing deadline is Monday, October 2, 2023, “the next day that is not a Saturday, Sunday [or] federal legal holiday.” Sixty days from the current deadline falls on Friday December 1, 2023.

1. On May 10, 2023, a panel of the United States Court of Appeals for the Sixth Circuit issued an opinion affirming the District Court's denial of Mr. Henderson's petition for a writ of habeas corpus. On July 3, 2023, the Sixth Circuit denied panel rehearing and rehearing en banc. The current deadline for filing a petition for writ of certiorari is October 1, 2023.

2. The issues that will be presented to the Court via petition for certiorari are factually and legally complex, involving voluminous state and federal court records. To effectively—and more importantly, *concisely*—present this issue to the Supreme Court within the limitation of Rule 33.2 is a challenging endeavor that requires additional time.

3. Additionally, undersigned counsel is the Assistant Chief of the Capital Habeas Unit (“CHU”) for the Federal Public Defender for the Middle District of Tennessee. Counsel supervises a staff of twenty. The CHU represents 25 men on Tennessee's death row, as well a man on Texas death row, and two men on federal death row.

4. On September 6, 2023, counsel tested positive for COVID-19 and was bedridden. As of September 19, 2023, Counsel remains unable to work a full day and her concentration is still impaired.

5. Counsel's obligations as both supervisor and counsel in the cases above—particularly in light of her on-going illness—prevent her from being able to file a fulsome petition by October 1, 2023.

6. Counsel for Mr. Henderson has consulted with opposing counsel, Senior Assistant Attorney General Nicholas Bolduc, who has stated that he has no opposition to a sixty-day extension in this matter.

For the foregoing reasons, this Court should grant this application for a sixty-day extension of time in which to file his petition for a writ of certiorari.

Dated: September 19, 2023.

Respectfully submitted,

/s/ Amy D. Harwell
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Application has been served on Nicholas Bolduc, at the Office of the Tennessee Attorney General, P.O. Box 20207 Nashville, Tennessee 37202 on this 19th day of September 2023.

/s/ Amy D. Harwell
Amy D. Harwell
Counsel for Kennath A. Henderson