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January 30, 2024

Via Efile

Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Steven Lawayne Nelson v. Bobby Lumpkin, Director, Texas Department of Criminal Justice, Correctional Institutions Division, No. 23-635 (Capital Case)*

Dear Mr. Harris:

In accordance with Supreme Court Rule 30.4, Respondent Bobby Lumpkin, Director, Texas Department of Criminal Justice, Correctional Institutions Division, respectfully moves for an extension of the time for filing the response to the petition for a writ of certiorari in this matter.

The response is due on February 12, 2024. Respondent requests a 30-day extension of that deadline, creating a new filing date of March 13, 2024. This is Respondent's second request for an extension of time for this filing.

My staff reached out to counsel for Petitioner via e-mail to ask for Petitioner's position on this motion. Petitioner's counsel advised that the requested extension is unopposed.

The extension is necessary because counsel of record for Respondent faces additional briefing and argument obligations since the first extension was received in this matter. The press of business from those numerous, complex matters with deadlines overlapping with the current deadline has required, and will require, significant time and attention from the undersigned counsel and other counsel assisting with this matter. Such matters include:

- Appellant’s Brief in *State of Texas v. United States Department of Homeland Security*, No. 23-50869 (5th Cir.), filed in the U.S. Court of Appeals for the Fifth Circuit on January 16, 2024;
- Appellants’ Opposed Emergency Motion to Stay Trial Proceedings Pending En Banc Review and for a Temporary Administrative Stay in *United States v. Abbott*, No. 23-50632 (5th Cir.), filed in the U.S. Court of Appeals for the Fifth Circuit on January 24, 2024;
- Reply in Support of Appellants’ Opposed Emergency Motion to Stay Trial Proceedings Pending En Banc Review and for a Temporary Administrative Stay in *United States v. Abbott*, No. 23-50632 (5th Cir.), filed in the U.S. Court of Appeals for the Fifth Circuit on January 26, 2024;
- Appellant’s Expedited Reply Brief in *State of Texas v. United States Department of Homeland Security*, No. 23-50869 (5th Cir.), due to be filed in the U.S. Court of Appeals for the Fifth Circuit on January 30, 2024;
- Supplemental district court proceedings and potential supplemental briefing in connection with *State of Texas v. United States Department of Homeland Security*, No. 23-50869 (5th Cir.);
- Supplemental En Banc Brief in *United States v. Abbott*, No. 23-50632 (5th Cir.), due to be filed in the U.S. Court of Appeals for the Fifth Circuit on February 16, 2024;
- Presenting argument to this Court in *NetChoice v. Paxton*, No. 22-555 (U.S.), on February 26, 2024;
- Respondents’ Brief in Opposition in *Green v. Lumpkin*, No. 23-6451 (U.S.), on March 11, 2024;
- Respondents’ Brief in Opposition in *Cascino v. Nelson*, No. 23-612 (U.S.), on March 18, 2024; and
- Assisting in argument preparation for *Texas v. New Mexico*, No. 22O141 (U.S.), to be argued on March 20, 2024.

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For the foregoing reasons, Respondent respectfully requests a 30-day extension of the deadline to file the response to the petition for a writ of certiorari, creating a new deadline of March 13, 2024.

Respectfully submitted.

/s/ Aaron L. Nielson

Aaron L. Nielson
Solicitor General

cc: Meaghan VerGow (via e-mail)