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April 4, 2024

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

RE: *Kimble v. Davis, Warden*, Case No. 23-6469
Request for Third Extension of Time to File Brief in Opposition to Petition for Certiorari

Dear Mr. Harris:

I represent the respondent in the above-entitled capital case. The petition for a writ of certiorari was filed on January 9, 2024. The brief in opposition is currently due on April 12, 2024, after this Court granted respondent two thirty-day extensions of time. Pursuant to Rule 30.4, I respectfully submit this unopposed request that the time for filing the brief in opposition be extended by twenty-eight additional days, to May 10, 2024. Respondent does not intend to request any additional extensions of time for this brief.

A draft of the brief in opposition has been completed, but our iterative process of review and revision between the Criminal Division and the Office of the Solicitor General has been delayed due to unforeseen circumstances. The deputy solicitor general originally assigned to review the brief in opposition suffered a death in his family and was out of the office for a prolonged period. The review project was re-assigned to another attorney in the Office of the Solicitor General, who unexpectedly became ill with COVID-19 and has herself been out of the office and unable to work on this project. Under these circumstances, a third extension would better enable the preparation of a response that would be most helpful to the Court. Petitioner's counsel has advised me that she does not oppose this request.

Accordingly, I respectfully request that the due date for the brief in opposition to the petition for writ of certiorari be extended to May 10, 2024.

Sincerely,

/s/ A. Scott Hayward
A. SCOTT HAYWARD
Deputy Attorney General

For **ROB BONTA**
Attorney General