

App. No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Calvin Currica,

Petitioner

v.

Richard Miller,

Respondent.

ON APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF *CERTIORARI* TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITIONER'S APPLICATION TO EXTEND TIME TO FILE A PETITION FOR A
WRIT OF *CERTIORARI*

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August 7, 2023

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To The Honorable John G. Roberts, Jr., as Circuit Justice for the
United States Court of Appeals for the Fourth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Calvin Currica respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended for sixty days to November 10, 2023. The Court of Appeals issued its opinion and judgment on June 14, 2023. Absent an extension of time, the Petition would therefore be due on September 12, 2023. Petitioner is filing this Application at least ten days

before that date. *See* S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. §1254(1).

REASONS FOR GRANTING AN EXTENSION OF TIME

The time to file a Petition for Writ of Certiorari should be extended for sixty days for these reasons:

1. The request for the extension of time is justified in order to provide Mr. Currica's legal team adequate time to prepare the petition:
 - a. Assigned counsel is the Director of the Appellate Litigation Program at the Georgetown University Law Center. The Appellate Litigation Program is a student clinic run through the law school in which third-year students, under the supervision of licensed attorneys, litigate appeals in this and other courts.
 - b. The personnel of the clinic turns over during the summer. The students in the clinic who prepared the briefs before the United States Court of Appeals for the Fourth Circuit have graduated, and new students will not begin working for the clinic until the fall semester.

- c. The turnover in clinic personnel necessitates additional time for the new legal team to familiarize itself with the case and to brief the issues fully. In this regard, the matter is not unlike a change in counsel which has supplied “good cause” for a time extension under this Court’s rules. *See Gressman et al.*, Supreme Court Practice at 403 (10th ed. 2013).
2. The extension will provide adequate time for the new legal team fully to prepare a *certiorari* petition on Mr. Currica’s behalf.
3. Similar applications previously have been approved by justices of this Court. *See, e.g.*, Application No. 19A212 (*Bowling v. Clarke*) (August 22, 2023) (application for extension of time granted by Chief Justice Roberts in light of turnover of appellate litigation clinic personnel).
4. No meaningful prejudice would arise from the extension. Counsel for the State of Maryland has indicated that he has no opposition to this application. In addition, regardless of whether an extension is granted, this Court would hear oral argument and issue its opinion in the October 2023 term should the *certiorari* petition be granted.

CONCLUSION

For the foregoing reasons, the application should be granted and the deadline for filing a petition for a writ of *certiorari* should be extended sixty days to and including November 10, 2023.

Respectfully submitted,

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