

No. 23A-\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

---

ERIK CARRASCO,  
*Applicant*

v.

TERRY HENKELL,  
*Respondent.*

---

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

---

NILES S. ILLICH  
*Counsel for Applicant*  
SCOTT H. PALMER  
JAMES P. ROBERTS

SCOTT H. PALMER, P.C.  
15455 Dallas Parkway  
Suite 540  
Addison, Texas 75001  
Direct: (972) 204-5452  
Fax: (214) 992-9900  
Email:  
Niles@scottpalmerlaw.com  
Scott@scottpalmerlaw.com  
James@scottpalmerlaw.com

August 15, 2023.

## **PARTIES TO THE PROCEEDINGS**

Applicant Erik Carrasco filed a complaint under 42 U.S.C. § 1983 in the Western District of Texas against Ector County ISD Police Officer Terry Henkell, alleging, *inter alia*, that Henkell violated the Fourth Amendment by omitting exculpatory information in an affidavit for a warrant that resulted in Applicant's arrest. Applicant was the plaintiff in the district court and the appellee in the Fifth Circuit. Henkell was a defendant in the district court and the appellant in the Fifth Circuit.

No. 23A-\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

---

ERIK CARRASCO,  
*Applicant*

v.

TERRY HENKELL,  
*Respondent.*

---

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

To the Honorable Samuel Alito, Associate Justice of the United States

Supreme Court and Circuit Justice for the Fifth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicant Erik Carrasco respectfully requests a 30-day extension of time, to and including September 28, 2023, within which to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in this case.

The court of appeals denied applicant's timely petition for rehearing en banc on May 31, 2023 (order attached as Exhibit A). The time for filing a petition for a writ of certiorari, if not extended, will expire on August 29, 2023. This application is being filed more than ten days before that date. The jurisdiction of the Court will be invoked under 28 U.S.C. § 1254(1).

Applicant seeks this extension because Applicant is seeking amicus support and evaluating authority from outside of the circuit.

Accordingly, Applicant asks this Court to grant this petition and to extend the time to file the petition for writ of certiorari until September 28, 2023.

Respectfully Submitted,



NILES S. ILLICH

*Counsel for Applicant*

SCOTT H. PALMER

JAMES P. ROBERTS

SCOTT H. PALMER, P.C.

15455 Dallas Parkway

Suite 540

Addison, Texas 75001

Direct: (972) 204-5452

Fax: (214) 992-9900

Email:

Niles@scottpalmerlaw.com

Scott@scottpalmerlaw.com

James@scottpalmerlaw.com

August 15, 2023.

# Exhibit A

United States Court of Appeals  
for the Fifth Circuit

---

No. 22-50439

---

ERIK CARRASCO,

*Plaintiff—Appellee,*

*versus*

TERRY HENKELL,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 7:21-CV-190

---

ON PETITION FOR REHEARING EN BANC

Before KING, JONES, and DUNCAN, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

May 31, 2023

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 22-50439 Carrasco v. Henkell  
USDC No. 7:21-CV-190

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Renee Mc Donough*

By: \_\_\_\_\_  
Renee S. McDonough, Deputy Clerk  
504-310-7673

Mr. Christopher T. Brandt  
Mr. Thomas Phillip Brandt  
Mr. Niles Stefan Illich  
Ms. Laura Dahl O'Leary  
Mr. Scott H. Palmer  
Mr. James Painter Roberts