

CAPITAL CASE
23 –

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2023

Steven Vernon Bixby,

Applicant-Petitioner

v.

Bryan Stirling, Commissioner, South Carolina Department of Corrections; and
Lydell Chestnut, Deputy Warden, Broad River Correctional Institution,

Respondents

Application for an Extension of Time
Within Which to File a Petition for Writ of Certiorari
to the United States Court of Appeals for the Fourth Circuit

APPLICATION TO THE HONORABLE CHIEF JUSTICE
JOHN ROBERTS AS CIRCUIT JUSTICE

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of the Court, Applicant Steven Vernon Bixby requests a 60-day extension of his time to file a petition for a writ of certiorari, up to and including June 3, 2024.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The order and judgment for which review is sought was issued by the United States Court of Appeals for the Fourth Circuit on January 5, 2024, in *Bixby v. Stirling*, No. 22-4. (Exhibit 1). This was an amended opinion issued to address a matter raised in Applicant's Petition for Rehearing. The initial opinion was issued on November 27, 2023. The Fourth Circuit denied Applicant's Petition for Rehearing (Exhibit 2) on the same day that it issued the amended opinion.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari pursuant to 28 U.S.C. §1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before April 4, 2024. In accordance with Rule 13.5, this application is being filed more than ten days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant, a death-sentenced prisoner in South Carolina, respectfully requests a 60-day extension of time within which to file a petition for writ of

certiorari seeking review of the decision of the United States Court of Appeals for the Fourth Circuit, up to and including June 3, 2024.

An extension of time is necessary due to undersigned counsel's pressing professional, family, and civic obligations. Undersigned counsel are federal public defenders in the Capital Habeas Unit for the Fourth Circuit and have had numerous obligations in other capital habeas corpus cases in the time since the Fourth Circuit denied Applicant's appeal. These obligations include *Dickerson v. Stirling*, No. 22-00108 (D.S.C.), a capital habeas matter in which the undersigned are drafting a response to the State's Motion for Summary Judgment, which is currently due on April 9, 2024. Counsel Swift has also been drafting the opening brief in the capital habeas appeal of Stephen Corey Bryant, which is due on April 3, 2024. *See Bryant v. Stirling*, No. 23-4.

In addition, Counsel Swift has had extenuating family obligations, which have kept her away from her work over the past eighteen days. Ms. Swift's mother-in-law suffered a serious fall and head injury while traveling overseas, underwent brain surgery, and was in a coma. Ms. Swift has been devoting much of her time to helping coordinate medical care abroad, and handling increased child care responsibilities in the absence of her husband who traveled overseas to be with his mother. This emergency has limited the amount of time Ms. Swift has had to devote to the preparation of Mr. Bixby's petition.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests this Court grant an extension of 60 days, up to and including June 3, 2024, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,



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