

No. 25A15

IN THE SUPREME COURT OF THE UNITED STATES

ALI AWAD MAHMOUD IRSAN,
Petitioner,

v.

STATE OF TEXAS,
Respondent.

**** CAPITAL CASE ****

On Petition for Writ of Certiorari
to the Texas Court of Criminal Appeals

**UNOPPOSED APPLICATION FOR 30-DAY EXTENSION
TO FILE PETITION FOR CERTIORARI**

James Marcus*
Texas Bar No. 00787963
University of Texas School of Law
Capital Punishment Clinic
727 East Dean Keaton Street
Austin, Texas 78705
Tel: (512) 232-1475
jmarcus@law.utexas.edu

** Counsel of Record for Petitioner, member of the Supreme Court Bar*

To the Honorable Samuel A. Alito, Jr., as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and this Court's Rule 13.5, Mr. Ali Awad Mahmoud Irsan, an indigent death-sentenced prisoner, respectfully applies for a 30-day extension of time to file his petition for a writ of certiorari to the Texas Court of Criminal Appeals. Respondent, the State of Texas, is unopposed to this application.

In support of this request, he offers the following:

1. The jurisdiction of this Court is based on 28 U.S.C. 1254(1).
2. Mr. Irsan will be filing a petition for writ of certiorari challenging the judgment of the Texas Court of Criminal Appeals affirming his state capital conviction and death sentence on direct review. That court filed its judgment and opinion on February 26, 2025. *Ali Awad Mahmoud Irsan v. State of Texas*, 708 S.W.3d 584 (Tex. Crim. App. 2025). *See* Appendix A. Mr. Irsan timely filed a petition for rehearing, which was denied on April 16, 2025. *See* Appendix B.
3. Mr. Irsan's petition for writ of certiorari is due to be filed in this Court by August 14, 2025. He has previously requested one extension of time; on July 9, 2025, this Court extended the time for filing by 30 days. In compliance with Rule

13.5, this application for additional time is being filed at least 10 days before the current deadline.

4. This is a capital case in which preparing the petition for certiorari demands particularly extensive work. The Texas Court of Criminal Appeals' 48-page opinion in Mr. Irsan's direct appeal addresses 30 points of error, some of which involve substantial issues of constitutional law, including whether the trial court's approval of defense counsel's race-based decision to excuse a potential juror from service violates the Equal Protection Clause

5. Mr. Marcus, counsel of record, was not counsel of record in the case below and has agreed to assist Mr. Irsan before this Court pro bono. Mr. Marcus has located additional pro bono counsel with expertise related to the issue to be presented in the forthcoming petition. Cornell Law School Professor Sheri Lynn Johnson, who argued *Flowers v. Mississippi*, 588 U.S. 284 (2019), has agreed to serve as co-counsel but cannot participate as counsel without additional time. Professor Johnson's participation will greatly enhance the explication of the question presented to this Court.

6. Additionally, Mr. Marcus filed a brief on July 15, 2025—the same date on which Mr. Irsan's petition for certiorari was originally due—in a capital habeas corpus case pending before the United States District Court. *See Medrano v.*

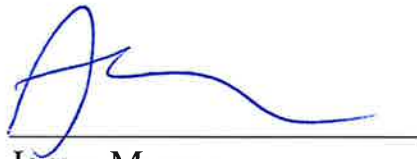
Guerrero, No 7:17-cv-00069 (S.D.TX.). Mr. Marcus also had pre-planned travel preceding the current due date.

6. Respondent, the Harris County District Attorney's Office is unopposed to this second and final extension of time, there is no pending execution date.

7. Accordingly, Mr. Irsan respectfully requests that the Court grant this application and extend the time allowed to file his petition for a writ of certiorari for 30 days, up to and including September 13, 2025.

July 29, 2025

Respectfully submitted,



James Marcus

Counsel of Record

Texas Bar No. 00787963

University of Texas School of Law

Capital Punishment Clinic

727 East Dean Keaton Street

Austin, Texas 78705

Tel: (512) 232-1475

jmarcus@law.utexas.edu