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State of California
DEPARTMENT OF JUSTICE



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February 27, 2018

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

VIA FedEx

RE: *Ulices Aguilar v. Neil McDowell, Warden*
Supreme Court of the United States, Case No. 17-7155

Dear Mr. Harris:

Pursuant to Rules 15.3 and 30.4, I respectfully request a thirty-one day extension of time, to Monday, April 10, 2018, to file respondent's brief in opposition to the petition for writ of certiorari in the above-referenced matter. This request is made for the following reasons.

A petition for writ of certiorari in the above-entitled case was filed on December 12, 2017, and was placed on the docket on December 19, 2017. Pursuant to Rule 15.3, the due date for the brief in opposition is March 9, 2018.

In the two weeks since counsel for Respondent was served with the request to file a response to the pending petition, counsel for Respondent has finalized and filed a habeas answer and a habeas motion to dismiss in the Eastern District Court. In addition, counsel for Respondent has been completing a habeas answering brief to be filed in the Court of Appeals for the Ninth Circuit.

I am currently working on a draft of the brief in opposition. Once completed, the draft brief must be reviewed by a supervisor in the Criminal Division of the California Attorney General's Office as well as by members of our Solicitor General's Office. I have contacted the office for opposing counsel, Carlton F. Gunn, and have been informed that he is on vacation. Moreover, an e-mail informing Mr. Gunn of the instant request and seeking his position on the request was not returned as of the drafting of this letter. Consequently, the undersigned has not been able to ascertain whether there is an objection to this extension request.

Therefore, I respectfully request a thirty-one day extension of time, to April 10, 2018, for filing the brief in opposition in this matter.

Sincerely,

s/ Justain P. Riley
JUSTAIN P. RILEY
Deputy Attorney General

For XAVIER BECERRA
Attorney General

JPR:ts

DECLARATION OF SERVICE BY E-MAIL and OVERNIGHT COURIER

Case Name: **Aguilar v. McDowell**

No.: **17-7155**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **Federal Express**. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On February 27, 2018, I served the attached **LETTER DATED FEBRUARY 27, 2018 TO CLERK OF THE UNITED STATES SUPREME COURT** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

Carlton F. Gunn
Attorney at Law
975 East Green Street
Pasadena, CA 91106

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 27, 2018, at Sacramento, California.

T. Sabella

Declarant

s/ T. Sabella

Signature