

No. _____

IN THE SUPREME COURT
OF THE UNITED STATES

CYRUS ANDREW SULLIVAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

To the Honorable Anthony M. Kennedy, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, Petitioner Cyrus Andrew Sullivan, through counsel, prays for an extension of time of 60 days to file his petition for certiorari in this Court, to and including Monday, April 9, 2018, for the case *United States v. Sullivan*, CA No. 16-35270. The final judgment of the Ninth Circuit was entered on November 9, 2017 (attached as Exhibit A), and Petitioner's time to file a petition for certiorari in this Court will expire in 12 days, on February 7, 2018. This application is filed more than

10 days before the expiration date as required by Rule 13.5. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

The maximum allowable extension period of 60 days is requested to avoid prejudice to Mr. Sullivan, in the event that he files his petition for certiorari *pro se*. Undersigned counsel moved to withdraw as counsel on December 6, 2017, in the Ninth Circuit Court of Appeals, pursuant to Circuit Rule 4-1(e) of the Federal Rules of Appellate Procedure (attached as Exhibit B). The motion noted that Mr. Sullivan desired to file a petition for certiorari in this Court from the Memorandum Opinion of the Ninth Circuit, which held that Mr. Sullivan had not demonstrated prejudice from counsel's alleged ineffectiveness. Counsel sought to withdraw rather than file the petition. The motion to withdraw has not yet been ruled on. If the Court grants the motion, Mr. Sullivan will require time to prepare his petition. If the Court denies the motion, undersigned counsel will file the petition for Mr. Sullivan in fewer than 60 days.

For these reasons, Petitioner respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including Monday, April 9, 2018.

Respectfully submitted this 26th day of January, 2018.



Lisa Hay
Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204
Lisa_Hay@fd.org
(503) 326-2123 (phone)
Attorney for Petitioner