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July 26, 2018

Via Electronic Filing System and Federal Express

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, NE
Washington DC 20543

RE: *Tracy Dearl Cain v. Ron Davis, Warden,*
No. 17-9218
Request for Extension of Time to File Brief in Opposition to Petition for Writ of
Certiorari

Dear Mr. Harris:

I represent the respondent, Ron Davis, in the above-entitled case. The petition for a writ of certiorari was filed on May 25, 2018, following a fifty-nine-day extension of time. I have previously received one thirty-two-day extension of time to file the brief in opposition, which is currently due on August 6, 2018. Pursuant to Rule 30.4, I respectfully request that the time for filing that brief be extended by another thirty days, to September 5, 2018.

I am requesting additional time to prepare and file the brief in opposition for the following reasons. It has taken much longer than I originally anticipated to familiarize myself with the underlying state court and district court record in order to prepare a proper response to the questions presented in the petition. Specifically, the deputy attorney general who handled the state court and district court proceedings no longer works in my office, and I had no prior familiarity with the issues raised in the petition. Although I prepared briefing in the underlying federal appeal, that briefing did not address the questions presented in the instant petition because the court of appeals did not certify the relevant claims until after oral argument, without briefing from the State.

Each of the questions presented in this case involves the performance of petitioner's trial counsel. Therefore, it has been necessary for me to review all of the state-court proceedings, including a voluminous trial court record, multiple state habeas corpus petitions (including nineteen volumes of exhibits), and the record of a post-conviction evidentiary hearing. It has also taken a considerable amount of time for me to locate the relevant district court pleadings and district court decisions addressing petitioner's claims because petitioner filed three amended federal habeas corpus petitions, and the district court denied relief on his claims in piecemeal fashion over the span of approximately twelve years. Furthermore, many of the district court

pleadings are not available in electronic format. Therefore, I have spent a significant amount of time locating and reviewing hard copies of the relevant district court documents.

Since filing my previous request for an extension of time, I have reviewed the entire trial record, many of the state habeas records, and most of the district court record. I have also completed substantial work on drafting the brief in opposition. However, my best estimation is that I will need an additional thirty-day extension of time (for a total of sixty-two days) to complete a thorough and helpful brief in opposition. On July 24, 2018, I communicated with Jonathan Aminoff, counsel for petitioner, who advised me that he does not oppose this request.

Accordingly, I respectfully request that the due date for the brief in opposition to the petition for a writ of certiorari be extended to September 5, 2018.

Respectfully submitted,



KIMARA A. AARONS
Deputy Attorney General

For XAVIER BECERRA
Attorney General

In the Supreme Court of the United States

TRACY DEARL CAIN, *Petitioner*,

v.

RON DAVIS, WARDEN, *Respondent*,

CERTIFICATE OF SERVICE BY MAIL

I, Kim Aarons, Deputy Attorney General, a member of the Bar of this Court, hereby certify that on **July 26, 2018**, a copy of the Request for Extension of Time to File Brief in Opposition to Petition for a Writ of Certiorari in the above-entitled case was mailed, first class postage prepaid to:

Jonathan C. Aminoff
Office of the Federal Public Defender
321 E. 2nd Street
Los Angeles, CA 90012
2138945374

I further certify that all parties required to be served have been served.



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