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August 27, 2018

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

Re: *Haynes v. Davis* (No. 15-70038) (5th Cir.)
(Corrected application for extension of time to file petition for certiorari)

Dear Mr. Harris:

I represent petitioner Anthony Haynes in this capital case in which the Fifth Circuit Court of Appeals denied relief on May 8, 2018 and a timely-filed petition for rehearing was denied on June 20, 2018.¹ Hence, a petition for writ of certiorari is due by September 18, 2018. I write to request a 30-day extension of time for filing the petition. I have conferred via e-mail with counsel for Respondent, Ms. Gwendolyn Vindell, on August 13, 2018, who has indicated that she does not oppose this request.

The reasons for this request are the press of briefing deadlines in the period from the Fifth Circuit's ruling to the current deadline, including the following:

In the capital case of *Acker v. Davis*, No. 16-70017 (5th Cir.) (No. 17-7045, S. Ct.), I am preparing a state successive petition and a clemency petition after this Court denied certiorari on April 16, 2018; Mr. Acker has an execution date of September 27, 2018. In *King v. Davis*, No. 16-70018 (5th Cir.), a petition for certiorari was filed in the United States Supreme Court by June 21, 2018. In *Barbee v. Davis*, No. 15-70022 (5th Cir.) a petition for certiorari was filed in the United States Supreme Court on July 12, 2018. In *Mamou v. Davis*, No. 17-70001 (5th Cir.), a petition for

¹ Both the opinion and the order denying rehearing are included herein. An original application for extension of time to file the petition was rejected and returned on August 22, 2018 because the lower court opinion and order were not included with the application. Hence, this is a corrected application.

certiorari is due in this Court by October 16, 2018. In *Lucio v. Davis*, No. 16-70027 (5th Cir.), I filed a reply brief on May 29, 2018. In *Coble v. Davis*, No. 15-700037 (5th Cir.), a petition for certiorari was filed in the United States Supreme Court on August 7, 2018. In the capital habeas matter of *Cornwell v. Warden*, No. 2:06-cv-00705 (E.D. Ca.), lengthy objections to the magistrate's report were filed on August 14, 2018. In the direct appeal of *People v. Perez*, No. S104144 (Ca. Sup. Ct.), a petition for certiorari was filed in the United States Supreme Court on July 18, 2018. In the habeas matter of *In re Perez* (S241863, Ca. Sup. Ct.) I am drafting a lengthy reply to Respondent's Answer which is currently due by October 5, 2018. *Ex parte Tomas Gallo*, Cause No. WR-77,940-03 (Harris County, Texas) was remanded to state court on an *Atkins* issue and an evidentiary hearing is likely in the wake of *Moore v. Texas* on the use of Texas' now-rejected criteria for intellectual disabilities.

Petitioner respectfully requests an extension of thirty (30) days to file his petition for writ of certiorari, creating a new deadline of October 18, 2018 for submission of the petition.

As stated above, counsel for Respondent is unopposed to this request and is being provided with notice of this request by e-mail.

Should you require any additional information, please contact me at (415) 389-6771 or at the above e-mail address.

Thank you very much for your assistance.

Sincerely yours,

/s/ A. Richard Ellis

A. Richard Ellis
Counsel for Petitioner

cc: Ms. Gwendolyn Vindell, Gwendolynvindell2@oag.texas.gov
Mr. Danny Bickell, dbickell@supremecourt.gov

CERTIFICATE OF SERVICE

I certify that on August 27, 2018, the foregoing corrected application for an extension of time to file a petition for certiorari was served via the Court's Document Filing System, upon the following counsel of record for Respondent:

Gwendolyn S. Vindell
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/s/ A. Richard Ellis

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