

CAPITAL CASE

No. 18-A-_____

IN THE SUPREME COURT OF THE UNITED STATES

ABU-ALI ABDUR'RAHMAN, ET AL.,

Petitioners-Applicants,

vs.

TONY PARKER, COMMISSIONER, ET AL.,

Respondents

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

To the Honorable Sonia Sotomayor, Associate Justice, and Circuit Justice For the United States Court of Appeals For the Sixth Circuit: In this capital case, Applicants Abu-Ali Abdur'Rahman, et al.,¹ respectfully apply for a sixty (60) day extension of time, to and including, March 8, 2019, within which to file a petition for writ of certiorari.

In support of this application, Applicants state:

¹ Applicants who are requesting additional time are: Abu-Ali Abdur'Rahman, John Michael Bane, Byron Black, Andre Bland, Kevin Burns, Tony Carruthers, Tyrone Chalmers, James Dellinger, Kennath Henderson, Daryl Hines, Henry Hodges, Stephen Hugueley, Akil Jahi, David Ivy, Donnie Johnson, David Jordan, David Keen, Donald Middlebrooks, Farris Morris, Pervis Payne, Gerald Lee Powers, William Glenn Rogers, Michael Sample, Oscar Smith, Charles Wright.

1. On October 8, 2018, the Tennessee Supreme Court, after extraordinarily expedited proceedings, entered its final order denying relief in this challenge to the Tennessee lethal injection protocol. *Abdur'Rahman, et al. v Parker, et al.*, 558 S.W. 3d 606 (Tenn. 2018). Since that time, the State of Tennessee has carried out two executions, both by electrocution. There are currently six executions scheduled in Tennessee: Donnie Edward Johnson (May 16, 2019); Stephen Michael West (August 15, 2019); Charles Walton Wright (October 10, 2019); Lee Hall (December 5, 2019); Nicholas Todd Sutton (February 20, 2019); Abu-Ali Abdur'Rahman (April 9, 2019).

2. The petition for certiorari for the remaining plaintiffs is currently due January 7, 2019. The requested extension to March 8, 2019, would make Respondents' Brief in Opposition due April 8, 2018, well in advance of Mr. Johnson's scheduled execution.

3. The record in this matter is lengthy and involves complex expert and scientific testimony.

4. Although undersigned counsel have filed two petitions relating to this same record, both petitions were filed under exigent circumstances and without time for a studied review of the transcript and record. Undersigned counsel has been unable to draft and complete a petition that would be helpful to the court owing to other professional obligations.

5. This Court and the parties will be better served by a petition that has been well researched and carefully drafted.

WHEREFORE, the motion should be granted.

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CERTIFICATE OF SERVICE

I, Kelley J. Henry, hereby certify that a true and correct copy of the foregoing document was electronically filed and sent to the following via email on this the 2nd day of January, 2019, to:

Scott Sutherland
John Bledsoe
Asst. Attorney Generals
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P.O. Box 20207
Nashville, TN 37202-0207

/s/ Kelley J. Henry
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