

No. 21A__

IN THE
Supreme Court of the United States

EFRAIN LORA,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

1. Under Supreme Court Rules 13.5, 22, and 30, petitioner Efrain Lora, through counsel, respectfully requests a 60-day extension of time, up to and including July 15, 2022, to file a petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit to review *United States v. Lora*, No. 20-33. The United States Court of Appeals issued its decision on February 15, 2022. Appendix A. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254. The time to file a petition for a writ of certiorari will otherwise expire on May 16, 2022. The application is timely because it has been filed on or before 10 days before the date on which the petition is otherwise due.

2. The decision of the Second Circuit, which relies on its previous decision in *United States v. Barrett*, 937 F.3d 126 (2d Cir. 2019), presents important and recurring questions whether sentences imposed under 18 U.S.C. § 924(j), which relates to an offense with a firearm causing a death, must run consecutively with respect to the sentence for the underlying offense or instead may run concurrently. Several federal circuit courts of appeals are in conflict regarding these questions, and thus whether they would have decided this case differently from the Second Circuit.

3. Good cause exists for this motion. Undersigned counsel, Lawrence D. Rosenberg of Jones Day, directs the West Virginia University College of Law's Supreme Court Litigation Clinic, which is co-counsel in this case. Students in the Clinic were involved in other matters in this Court, including *Campbell-Martin v. United States*, No. 21-1344, in which a petition for a writ of certiorari was filed on April 7, 2022, and *Ojedokun v. United States*, No. 21-1380, in which a petition for a writ of certiorari was filed on April 22, 2022, and have thus just recently been able to begin their work on the petition. That task has been made difficult by circumstances related to the pandemic. They require additional time to research the issues presented and to assist in presenting an effective petition for a writ of certiorari.

4. Mr. Rosenberg's ability to complete the petition without an extension has also been made extremely difficult by in-patient surgery in late January 2022,

which required a substantial hospital stay, and from which he has only recently recovered.

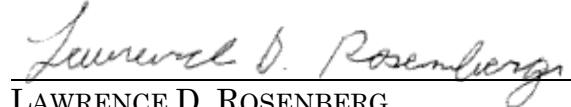
5. Mr. Rosenberg also has had recently, and will have in the coming weeks, significant professional commitments that would also make it extremely difficult to complete the petition without an extension. Mr. Rosenberg is lead counsel in this Court in the *Campbell-Martin* and *Ojedokun* cases, in which petitions for certiorari were recently filed, as noted above. Mr. Rosenberg is also lead counsel in *Citigroup Inc., et al. v. Villar*, No. 2:19-cv-05310-GW (C.D. Cal.), in which he has had several recent hearings and in which he must take depositions in May and June 2022, and brief summary judgment in June 2022. Mr. Rosenberg is also lead counsel in *United States v. Fallin*, No. 20-7702 (4th Cir.), in which in-person oral argument took place on May 4, 2022. He is also lead counsel in *Lufthansa Technik v. Panasonic Avionics Corp.*, No. 2:17-cv-01453-JCC (W.D. Wash.), in which he is coordinating simultaneous document discovery from several parties, and in which he had to conduct a deposition in Seattle, Washington, on April 7, 2022, conduct another deposition on April 13, 2022, and in which he will likely be briefing motions in May and June 2022. Mr. Rosenberg is also lead counsel in *Antero Resources Corp. v. Irby*, Nos. 21-0119, 21-1021 (W. Va.) and related cases, in which he filed a brief in the Supreme Court of Appeals of West Virginia on April 20, 2022, and has several upcoming filings in related cases in May and June 2022. He is also counsel in *Fatime Abdel-Fakhara v. State of Vermont*, No. 5:21-cv-198 (D. Vt.), in which he will be presenting oral argument in opposition

to summary judgment on June 3, 2022. Mr. Rosenberg was out of the country on vacation from April 13 to April 25, 2022. He also will be out of the office from May 5–7, 2022, attending the American Bar Association Section of Litigation Annual Conference and Spring Leadership Meeting.

WHEREFORE, Mr. Lora respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including July 15, 2022.

Dated: May 5, 2022

Respectfully submitted,



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