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Via Electronic Filing and Federal Express

May 15, 2023

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

**Re: *United States v. Rahimi*, No. 22-915: Respondent's Motion for
Further Extension of Time**

Dear Mr. Harris:

The petition in the above-captioned case was filed March 17, 2023. The brief in opposition is currently due May 23, 2023, after one extension. I am writing to request a further extension of that deadline of 21 days, to and including June 13, 2023. *See* S. Ct. R. 15.3; 30.4.

The Court's rules and precedents repeatedly emphasize the importance of a thorough brief in opposition. Pages 2–3 of the petition list several as-yet untested allegations against Respondent, many of which are the subject of separate criminal proceedings in another jurisdiction. The petition-stage response must raise any “perceived misstatement” of fact or law in the petition, as well as “[a]ny objection to consideration of [the] question presented based on what occurred in the proceedings below.” S. Ct. R. 15.2. The Court has likewise refused to consider “far-reaching” alternative arguments in defense of the judgment below if the respondent did not raise the argument in the petition-stage opposition. *S. Cent. Bell Tel. Co. v. Alabama*, 526 U.S. 160, 171 (1999); *Alabama v. Shelton*, 535 U.S. 654, 661 n.3 (2002). In addition to the petition, the brief will also respond to seven *amicus curiae* briefs, including many that contain arguments distinct from anything raised below or in the petition.

Given all that, I need more time to work on the brief. I don't want to miss something important because of haste or the distraction of other urgent litigation deadlines. Since I filed the first request on April 10, I have been unable to devote my full attention to this case because I was also working on these other matters:

- *Gonzalez-Enriquez v. United States*, Supreme Court No. 22-7288 (petition for certiorari filed April 11);
- *United States v. Wallace*, 5th Cir. No. 22-11116 (brief and motion to withdraw filed April 13, after two extensions);
- *Perez-Mendoza v. United States*, Supreme Court No. 22-7316 (petition for certiorari filed April 17);
- *United States v. Clark*, N.D. Tex. No. 3:16-cr-109 (objections to presentence report addendum after remand from Fifth Circuit filed April 22);
- *United States v. Mayes*, 5th Cir. No. 22-10929 (dispositive motion filed April 25, and supplemented on May 8);
- *United States v. Kidd*, N.D. Texas No. 5:05-cr-117 (Status update and request for possible re-sentencing filed April 25 in a complex case that was apparently never re-sentenced after remand from the Fifth Circuit in 2007);
- *Wheeler et al. v. United States*, Supreme Court No. 22-7455 (joint petition for certiorari filed May 2, 2023);
- *Vickers v. United States*, N.D. Tex. No. 3:15-cv-3912 (reply to supplemental response brief filed May 5, after multiple extensions);
- *United States v. Rose*, 5th Cir. No. 22-10571 (motion to reconsider partial denial of certificate of appealability filed May 5);
- *Wooten v. Lumpkin*, 5th Cir. No. 21-10924 (initial brief filed May 8, after multiple extensions); and
- *Jimenez v. United States*, N.D. Tex. No. 2:16-cr-83 (change-of-plea hearing May 10 after the district court vacated Mr. Jimenez's convictions and life sentence under 28 U.S.C. § 2255; sentencing litigation to follow).

In addition to the brief in opposition in this case, I must comply with the following deadlines in the coming weeks:

- *United States v. Rose*, 5th Cir. No. 22-10571 (reply in support of motion to reconsider partial denial of COA due imminently; initial brief due May 24 unless stayed or extended pending a ruling on the reconsideration motion);

- *United States v. Clark*, N.D. Tex. No. 3:16-cr-109 (objections to additional addendum filed May 5 due May 19; sentencing set for June 16); and
- *United States v. Diggs*, 5th Cir. No. 20-10424 (rehearing petition due May 26, after an extension).

Before filing this motion, I conferred with counsel for Petitioner. We were unable to reach consensus. I explained that I would need another 21 days to finish an adequate response. Petitioner objects to any extension beyond May 30, as that would delay a decision on the petition until next term.

Respectfully submitted,

/s/ J. Matthew Wright

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