

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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Rodolfo Medrano,  
*Petitioner,*

v.

State of Texas, *Respondent.*

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On Application for an Extension of Time to File Petition for a Writ of  
Certiorari to the Texas Court of Criminal Appeals Out of Time Due to  
Extraordinary Circumstances

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*\*\*Counsel of Record for Applicant*

To the Honorable Samuel A. Alito, Jr., as Circuit Justice for the United States Court  
of Appeals for the Fifth Circuit:

In accordance with 28 U.S.C. § 2101(c) and this Court's Rule 13.5, Applicant respectfully requests that the time to file his petition for a writ of certiorari be extended for 30 days, up to and including September, 14, 2023. In support of this request, he offers the following:

1. The jurisdiction of this Court is based on 28 U.S.C. 1254(1).
2. Mr. Medrano seeks review of the decision of the Court of Appeals dated May 17, 2023 denying his subsequent application for a writ of habeas corpus pursuant to Article 11.071§ 5 by the Texas Court of Criminal Appeals. That court denied Mr. Medrano's petition without reaching the merits, but as Mr. Medrano's petition for certiorari will set forth, the denial lacks an adequate and independent state ground.
3. Mr. Medrano's petition for writ of certiorari is currently due on August 15, 2023. This motion is filed out of time due to extraordinary circumstances.
4. Ms. Johnson has represented Mr. Medrano pro bono for the last six years. She has had responsibility for the pleadings in this case, and due to her academic responsibilities this month, which include running a week long Orientation program for 40 students, and the beginning of the semester of classes, had planned to file a motion last week for an extension of time. Her father, who is 95 years old and resides in another city, fell and broke his hip, requiring surgery, and she flew to

Minneapolis to supervise his care and release from the hospital. She therefore failed to prepare this motion in a timely fashion for counsel of record, Mr. Marcus, to file.

6. Mr. Marcus, counsel of record, has never had drafting responsibility for this case and agreed to assist Ms. Johnson pro bono in state court proceedings as counsel of record because she is not licensed in the state of Texas. He was tied up throughout the month June assisting with preparation of an application for a writ of habeas corpus on behalf of a death-sentenced prisoner. He was out for the month of July for pre-planned vacation, and was overseas for most of the month. Mr. Marcus is preparing to teach a full load of law school course in the Fall 2023 semester.

7. Applicant has not previously sought an extension of time from this Court.

8. Respondent, the District Attorney of Hidalgo County, does not oppose an extension of time, and Respondent in federal habeas proceedings, the Attorney General, through his agent Rachel Patton, takes no position on this motion. There is no pending execution date.

9. Accordingly, Applicant requests that the time to file his petition for a writ of certiorari be extended 30 days, up to and including September 14, 2023.

August 7th, 2023

Respectfully submitted,

/s/James Marcus\_\_\_\_\_

James Marcus  
Member of the Supreme Court Bar  
and Counsel of Record