

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

**BECK REDDEN LLP,
PETITIONER,**

v.

**MARK A. CANTU,
RESPONDENT.**

On Application for an Extension of Time to File Petition for a Writ of Certiorari to
the United States Court of Appeals for the Fifth Circuit

OPINIONS BELOW

United States Court of Appeals for the Fifth Circuit, Case No. 24-40275;
on Appeal from the United States District Court for the Southern District of Texas,
McAllen Division, Civil Action No. 7:23-cv-00014

**APPLICATION TO JUSTICE ALITO FOR AN EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Samuel A. Alito, Associate Justice of the Supreme Court of the
United States and Circuit Justice for the Fifth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Petitioner Beck Redden LLP respectfully requests a 60-day extension of time, until June 20, 2025, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Fifth Circuit issued its opinion on December 23, 2024 and denied a timely filed petition for rehearing on January 21, 2025. A copy of the opinion and of the order denying rehearing are attached at App.1, App.6. This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on April 21, 2025. *See* Sup. Ct. R. 13.1. This application is being filed at least ten days in advance of that date and no prior application has been made in this case. The requested

extension is necessary because the issues to be presented in Petitioner's case are complex and due to counsel's competing work obligations.

3. This case involves a claim of appellate legal malpractice premised, in substantial part, upon the alleged invalidity of a prior federal district court judgment in an earlier case (the "Underlying Case" at App.7).

4. In this case, Petitioner, who was the defendant in the District Court and the appellee in the Fifth Circuit proceedings below, was granted a take-nothing summary judgment by the District Court. The Fifth Circuit reversed and remanded the case to the District Court.

5. The Fifth Circuit's analysis of the grounds of the District Court's subject matter jurisdiction was flawed because it failed to acknowledge or address the strong federal interest in protecting the reliability of federal, judicially supervised asset sales or the potential impact on the property rights of non-parties, both of which remove the instant case from the rubric of this Court's holding in *Gunn v. Minton*, 568 U.S. 251 (2013) and place it more correctly in line with the principles of subject matter jurisdiction recognized in this Court's holding in *Grable & Sons Metal Prod., Inc., v. Darue Engineering & Mfg.*, 545 U.S. 308, 311-15 (2005).

6. The jurisdiction of this Court is invoked under the provisions of Title 28, United States Code Annotated, Section 1254(1) (review of cases in the courts of appeals).

7. The undersigned counsel's competing work obligations limit his ability to devote adequate time to Petitioner's petition for writ of certiorari between today and the first week of June 2025. During that period, the undersigned is committed to multiple time-constrained tasks in several pending cases, including the following:

- (1) jurisdictional, venue, and substantive briefing in Case No. H-25-1164, styled *TIC Grapevine 2, L.P., et al. v. Rathbone Law, et al.* in the United States District Court for the Southern District of Texas, Houston Division;
- (2) pleadings and arbitration-related briefing in Cause No. 2025-16641, styled *Jose Bermudez v. Anthony G. Buzbee et al.*, in the 165th Judicial District Court of Harris County, Texas;

- (3) pleadings and vexatious litigant briefing in Cause No. 25-DCV-326894, styled *Selva Kumar v. Maida Law Firm et al.*, in the 458th Judicial District Court of Fort Bend, County, Texas; and
- (4) voluminous document analysis, discovery, and trial-related briefing in Cause No. 2024-90024, styled *Jose Magana Garcia v. Thompson Coe, Cousins & Irons, LLP, et al.* in the 334th Judicial District Court of Harris County, Texas; and
- (5) voluminous document analysis and evaluation of multiple time-sensitive claims not yet in litigation.

Wherefore, Petitioner Beck Redden LLP respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to Friday, June 20, 2025.

Dated: April 9, 2025

SHEPHERD PREWETT PLLC

/s/ George William Shepherd, III

George William Shepherd, III

U.S. Supreme Court Bar No. 284409

bshepherd@spcounsel.com

770 S. Post Oak Lane, Suite 420

Houston, TX 77056

Telephone: (713) 955-4440

Facsimile: (713) 766-6542

Counsel of record for Petitioner Beck Redden LLP

OF COUNSEL:

Raymond L. Thomas

Texas Bar No. 19865350

S.D. ID No. 10715

rthomas@raythomaspc.com

RAY THOMAS PC

4900-B North 10th Street

McAllen, Texas 78504

Telephone: (956) 632-5032

Facsimile: (956) 540-5631