No. _____

In the Supreme Court of the United States

RYAN THORNELL, ET AL.,
Petitioner,
v.

BRADLEY BIEGANSKI,
Respondent.

On Application for an Extension of Time to file a Petition for Writ of Certiorari

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

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Counsel for Petitioner

TO THE HONORABLE ELENA KAGAN, CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Petitioner Ryan Thornell intends to file a Petition for Writ of Certiorari in this case, seeking review of the Ninth Circuit's opinion in *Bieganski v. Shinn*, 149 F. 4th 1055 (9th Cir. 2025), which granted habeas relief as to Respondent Bieganski's convictions. App. A. The Ninth Circuit issued the opinion on August 12, 2025, *see id.*, and the court issued its mandate on October 3, 2025. App. B. The petition's current due date is November 10, 2025. Pursuant to Rules 13.5 and 30, Petitioner requests a 30-day extension of time to file the Petition, with a new due date of December 10, 2025. Petitioner has filed this application more than 10 days before the current due date, and Bieganski's counsel, Randal B. McDonald, does not oppose this request.

Basis of Jurisdiction

Petitioner will invoke this Court's jurisdiction under 28 U.S.C. § 1254(1) and Rule 13 of the Rules of the Supreme Court of the United States.

Background

This case presents important issues concerning the application of the Anti-terrorism and Effective Death Penalty Act (AEDPA), *see* 28 U.S.C. § 2254(d) (deferential standard of review of state-court decisions), as well as the extent to which states have the authority to define the elements of state crimes, *see Patterson v. New York*, 432 U.S. 197, 201 (1977) ("[I]t is normally within the power of the State to regulate procedures under which its laws are carried out, including the burden of producing evidence and the burden of persuasion[.]") (internal quotation marks and citations omitted); *Ring v. Arizona*, 536 U.S. 584, 603 (2002) (the Arizona Supreme Court is the final arbiter of Arizona law).

In this AEDPA case, the Ninth Circuit granted habeas relief as to Bieganski's convictions, effectively based on a de novo review rather than the correct deferential review required under 28 U.S.C. § 2254(d). *See* App. A. Thus, absent from the opinion

is any meaningful consideration of "the only question that matters" under AEDPA: whether the state court's merits adjudication was objectively unreasonable. *Harrington v. Richter*, 562 U.S. 86, 102 (2011) (quotations omitted).

Reasons for the Extension Request

For several reasons, counsel of record will be unable to complete Petitioner's petition by the current due date of November 10, 2025. Counsel of record supervises the work of 11 attorneys in the Capital Litigation Section of the Office of the Arizona Attorney General, and also carries a full capital caseload. Counsel has been active as the lead counsel in *State v. Djerf*, Arizona Supreme Court No. CR–13–0282, leading up to Djerf's execution which took place on October 17, 2025. Additionally, counsel of record has been supervising and participating in ongoing state post-conviction litigation in *State v. Allen*, Arizona Superior Court (Maricopa County) No. CR 2011–138856 (Capital Case Evidentiary Hearing); *State v. Goudeau*, Arizona Superior Court (Maricopa County) No. CR 2007–005449 (Capital Case Prepetition Litigation); and *State v. Joseph*, Arizona Superior Court (Maricopa County) No. CR 2005–014235 (Capital Case Evidentiary Hearing Preparation). Moreover, counsel has recently completed and a filed brief in *State v. Sizemore*, Arizona Supreme Court No. CR–25–0149. Finally, this requested extension of time is necessary to allow the Attorney General and Solicitor General time to review this matter and have significant input in the petition for writ of certiorari.

Respectfully submitted this 27th day of October, 2025.

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