

App. No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Scott Allen DeBruyn
Applicant,

v.

Adam Douglas, Warden

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

To the Honorable Brett M. Kavanaugh, Circuit Justice for the United States
Court of Appeals for the Sixth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicant Scott DeBruyn requests an extension of forty-five (45) days to file a petition for a writ of certiorari to review the judgment of the Sixth Circuit in *DeBruyn v. Douglas*, 168 F.4th 913 (6th Cir. March 5, 2026), a copy of which is attached as Appendix A. In support of this application, Applicant states:

2. The Sixth Circuit issued its opinion on March 5, 2026, and entered its order denying rehearing en banc on May 4, 2026. Unless extended, the time for filing a petition for writ of certiorari will expire on August 3, 2026. The jurisdiction of this Court would be invoked under 28 U.S.C. §1254(1). In accordance with Supreme Court Rule 13.5, Applicant is filing this application at least ten days before the current due date.

3. Applicant was granted a certificate of appealability to appeal the denial of federal habeas relief based on a claim of ineffective assistance of counsel. Michigan charged Applicant with delivering a controlled substance causing death, alleging that Applicant gave his friend oxycodone, and that the oxycodone that he gave her was a “substantial factor” in her death by overdose. The decedent, however, suffered from severe drug addiction and had multiple substances in her system at the time of her death. Therefore, this case hinged on medical causation. To prove its case, the state called five expert witnesses. The defense called none despite acknowledging that expert assistance was needed in this scientific case. At the state post-conviction evidentiary hearing with the assistance of new counsel, Applicant called experts who opined that not only was it more consistent with the evidence that oxycodone was *not* a substantial factor in decedent’s death, but that the State’s whole theory of causation was scientifically *impossible*. This case therefore turns on how lower courts should apply this Court’s precedents regarding the need for defense experts in technical cases. *See Harrington v. Richter*, 562 U.S. 88, 106 (2011); *Hinton v. Alabama*, 571 U.S. 263, 273 (2014).

4. Good cause exists for extending the time for Applicant to file a petition for a writ of certiorari in this case. The additional time sought is needed in light of the complexity and importance of the issues presented and the competing responsibilities of pro bono counsel handling this case, who is a law school faculty member with in-

stitutional, academic, and scholastic responsibilities on top of case work, which currently includes preparing for oral argument in the Tenth Circuit and the filing on an amicus brief before this Court in *Kian v. Florida* (25-6623).

For the foregoing reasons, Applicant respectfully requests that the time to file the Petition for a Writ of Certiorari in this matter be extended 45 days, up to and including September 17, 2026.

Respectfully submitted,

/s/ Daniel S. Harawa

Daniel Harawa

New York University School of Law

Federal Appellate Clinic

245 Sullivan Street

New York, NY 10012

*Counsel of Record

July 21, 2026

APPENDIX A

Opinion - DeBruyn v. Douglas, 168 F.4th 913 (6th Cir. March 5, 2026),

APPENDIX B

Order Denying Rehearing En Banc