No. _____

IN THE

Supreme Court of the United States

ANDREW LAMONT BROWN, *Petitioner,*

v.

RON BROOMFIELD, *Respondent.*

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Ninth Circuit:

Petitioner Andrew Lamont Brown, a condemned inmate, respectfully requests a 60-day extension of time, until January 11, 2027, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Ninth Circuit entered its opinion denying habeas relief on August 14, 2026. (*See* App. A.) Absent an extension of time, a petition for a writ of certiorari would be due on November 12, 2026. (Sup. Ct. R. 13.1.)

Mr. Brown is filing this Application at least 10 days in advance of that deadline. (Supr. Ct. R. 13.5.) This Court has jurisdiction under 28 U.S.C. § 1254(1).

BACKGROUND

In this death-penalty case, the Ninth Circuit Court of Appeals affirmed the district court's denial of habeas relief. The certified issue raised on appeal involves ineffective assistance of counsel at the penalty phase, including for failing to investigate and present important mitigation and evidence, failing to rebut uncharged acts, and failing to object to evidence and arguments raised by the prosecution.

There is Good Cause for Counsel's Motion

The attached declaration of counsel provides the basis for granting this request for an extension of time. Counsel have begun work on the petition for writ of certiorari, but have been unable to complete their work on the petition because of obligations in other matters.

Respectfully submitted,

DATED: October 28, 2026

By: _____

NICOLE JEONG*
SAIVANDANA PETERSON
Deputy Federal Public Defenders
AMY KARLIN
Interim Federal Public Defender

Attorneys for Petitioner
**Counsel of Record*

DECLARATION OF NICOLE JEONG

I, Nicole Jeong, declare:

1. I am an attorney licensed to practice law in the State of California. I am a Deputy Federal Public Defender with the Office of the Federal Public Defender for the Central District of California ("FPD"). Along with Deputy Federal Public Defender Saivandana Peterson, I represent Mr. Andrew Lamont Brown in his capital habeas corpus action. Ms. Peterson and I are appointed as counsel for Mr. Brown under the Criminal Justice Act, 18 U.S.C. § 3006(A)(b). I make this declaration in support of Mr. Brown's request for a 60-day extension of time to file his petition for writ of certiorari in this Court.

2. The Ninth Circuit Court of Appeals issued its opinion denying habeas relief on August 14, 2026. The certiorari petition is currently due November 12, 2026.

3. Counsel applied for, and were granted, an extension of time to file a petition for panel rehearing and/or rehearing en banc to consider whether to file a petition for review in the Ninth Circuit. After due consideration, counsel for Mr. Brown decided instead to pursue a petition for a writ of certiorari in this Court.

4. Ms. Peterson and I have begun our work on the petition for writ of certiorari. However, we require additional time to complete it and file it. We respectfully request an extension of time of 60 days, to and including January 11, 2027, to continue researching the relevant legal and factual issues and prepare and file a petition that frames those issues in a manner that will be most helpful to the Court.

5. I have not been able to complete work on Mr. Brown's petition for writ of certiorari due to my obligations in other cases. I am counsel of record in ten other capital, formerly capital, or non-capital habeas matters in which I have substantial responsibilities. In one capital case in which the superior court has granted an order to show cause on an intellectual disability claim pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), I have had multiple substantive filings and consultations with experts, and am currently preparing for a November 5, 2026 hearing on the tests to be administered. Additionally, I have a two-day evidentiary hearing in a formerly capital matter November 17-18, 2026, and a petition for writ of certiorari in a non-capital habeas matter due on November 5, 2026.

6. Ms. Peterson also tells me that she has not been able to complete work on Mr. Brown's petition for writ of certiorari due to her obligations in other matters. She just presented an oral argument in an expedited appeal

before the Ninth Circuit Court of Appeals in another habeas case on October 19, 2026, has a substantive brief due on November 18, 2026 in a capital habeas case, and another substantive brief due on December 8, 2026 in the Ninth Circuit in a case for which she is sole counsel of record. She also has an opening brief due in a capital habeas case in the Ninth Circuit on February 12, 2026.

7. For all the forgoing reasons, counsel for Mr. Brown request additional time, an extension of time of 60 days to and including January 11, 2027, to file the petition for writ of certiorari.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 28, 2026 at Los Angeles, California.

NICOLE JEONG