

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

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IN THE SUPREME COURT OF THE UNITED STATES

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Gerald Timms,

*Petitioner*

v.

Attorney General,

*Respondent.*

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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 FOURTH CIRCUIT

PETITIONER'S APPLICATION TO EXTEND TIME TO FILE A PETITION FOR A  
WRIT OF *CERTIORARI*

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April 29, 2024

In the Supreme Court of the United States

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To The Honorable John G. Roberts, Jr., as Circuit Justice for the  
United States Court of Appeals for the Fourth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Gerald Timms respectfully requests that the time to file a Petition for a Writ of Certiorari in this matter be extended for sixty days to July 15, 2024. The Court of Appeals issued its opinion and judgment on February 14, 2024. Absent an extension of time, the Petition would therefore be due on May 14, 2024. Petitioner is filing this Application at least ten days before that

date. *See* S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. §1254(1).

**REASONS FOR GRANTING AN EXTENSION OF TIME**

The time to file a Petition for Writ of Certiorari should be extended for sixty days for these reasons:

1. The request for the extension of time is justified in order to provide undersigned counsel adequate time to prepare the petition:

a. Undersigned counsel is the Director of the Appellate Litigation Clinic at the Georgetown University Law Center.

The Appellate Litigation Clinic is a student clinic run through the law school in which third-year students, under the supervision of licensed attorneys, litigate appeals in this and other courts. Undersigned counsel was appointed by the United States Court of Appeals for the Fourth Circuit to serve as court-assigned amicus counsel in support of petitioner, Gerald Timms.

b. Because most of the personnel in the clinic (all of the students and one of the supervising attorneys) turns over at the end of each academic year, the end of the academic year is incredibly

busy as the students finish up briefing and arguing the clinic's current cases before they graduate. In addition to the briefs that the clinic has filed in the last month, for instance, the clinic has two student arguments scheduled in the D.C. Circuit in the next three weeks.

- c. In addition, the team of clinic students who prepared the briefs before the United States Court of Appeals for the Fourth Circuit have graduated so undersigned counsel will not have their assistance in drafting the petition. In this regard, the matter is not unlike a change in counsel which has supplied "good cause" for a time extension under this Court's rules. *See Gressman et al.*, Supreme Court Practice at 403 (10th ed. 2013).
2. The extension will provide adequate time for undersigned counsel to fully prepare a petition for a writ of certiorari on Mr. Timms' behalf on a complicated issue relating to his ongoing civil commitment.
3. Similar applications previously have been approved by justices of this Court. *See, e.g.*, Application No. 23A126 (*Currica v. Miller*) (August 14, 2023) (application for extension of time granted by Chief

Justice Roberts in light of turnover of appellate litigation clinic personnel).

4. No meaningful prejudice would arise from the extension.

Regardless of whether an extension is granted, this Court would hear oral argument and issue its opinion in the October 2024 term should the Petition be granted.

### **CONCLUSION**

For the foregoing reasons, the application should be granted and the deadline for filing a petition for a writ of *certiorari* should be extended sixty days to and including July 15, 2024.

Respectfully submitted,

/s/ Erica Hashimoto

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