

No. _____

IN THE
Supreme Court of the United States

JOSEPH WILLIAM HART,

Petitioner,

v.

RONALD BROOMFIELD,

Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

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

Petitioner Joseph William Hart respectfully requests a 60-day extension of time to file a Petition for a Writ of Certiorari in this matter. This is a capital case. The Court of Appeals entered its published opinion affirming the denial of habeas relief on March 28, 2024. (App. 1.) The Court of Appeals separately filed an unpublished memorandum granting a certificate of appealability on a claim that the prosecution withheld *Brady*¹ information at penalty, and denying a certificate of appealability on other certified claims. (App. 2.) The Court of Appeals denied a timely-filed petition for rehearing and petition for rehearing en banc on July 11, 2024. (App. 3.) Without an extension of time the petition for writ of certiorari would be due on October 9, 2024. Mr. Hart is filing this Application at least ten days before the current deadline. (Supr. Ct. R. 13.5.) This Court would have jurisdiction over the judgment under 28 U.S.C. § 1254(1).

BACKGROUND

The Ninth Circuit Court of Appeals affirmed the district court's denial of habeas relief. The certified issues raised on appeal were: 1) the prosecution unconstitutionally suppressed material evidence related to the State's

¹ *Brady v. Maryland*, 373 U.S. 83 (1963).

pathologist at the guilt phase; 2) ineffective assistance of counsel at the guilt phase; 3) the prosecution failed to disclose *Brady* evidence related to an uncharged crime at the penalty phase.


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. This is a capital case, raising several complex issues. Counsel has begun work on the petition for writ of certiorari, but requires additional time to draft and edit the petition, allowing time to discuss the petition with Mr. Hart, who is incarcerated.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: September 18, 2024

By: 
LAUREN COLLINS*
Deputy Federal Public Defender
Attorneys for Petitioner
**Counsel of Record*

DECLARATION OF LAUREN COLLINS

I, Lauren Collins, 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”). I represent Petitioner Joseph William Hart in this habeas corpus action. I make this declaration in support of Mr. Hart’s request for a 60-day extension of time to file his petition for a writ of certiorari with this Court.

2. The Court of Appeals entered its opinion affirming the denial of habeas relief on March 28, 2024. (App. 1.) The Court of Appeals separately filed an unpublished memorandum granting a certificate of appealability on a claim that the prosecution withheld *Brady* information at penalty, and denying a certificate of appealability on other certified claims. (App. 2.) The Court of Appeals denied a timely-filed petition for rehearing and petition for rehearing en banc on July 11, 2024. (App. 2.) The petition is currently due on October 9, 2024.

3. My co-counsel in this case, Susel Carrillo-Orellana, who argued this case below, recently became a Commissioner at the Los Angeles Superior Court, and her last day in the office was August 9, 2024.

4. This is a factually and procedurally complex case, arising out of a death judgment in Riverside, California. It includes three certified issues below.

5. In addition to working on this case, I have had other obligations preventing me from meeting the current deadline, including filing an appellate reply brief in the Ninth Circuit on July 15, 2024, filing a traverse in federal district court in a formerly-capital case on August 6, 2024 and reviewing an extensive record in a formerly-capital case in preparation for an evidentiary hearing in federal district court on October 22, 2024, with ongoing deadlines. Additionally, I am scheduled to be on pre-planned leave from September 20 through September 27, 2024.

6. Further, after the petition is drafted, I will require additional time to discuss it with my client, who is incarcerated.

7. On September 16th and 17th, 2024, I emailed with counsel for Respondent, Stephanie Chow, who informed me she does not oppose this request.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 18, 2024, at Los Angeles, California.



LAUREN COLLINS