

NO. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

BLAINE MILAM,

Petitioner,

vs.

TEXAS

Respondent.

**On Petition for a Writ of Certiorari to
the Court of Criminal Appeals of Texas**

**APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF
CRIMINAL APPEALS OF TEXAS**

Jeremy Schepers*
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Counsel for Petitioner

**APPLICATION FOR A 30-DAY EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF
CRIMINAL APPEALS OF TEXAS**

To the Honorable Samuel Alito, Associate Justice, and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

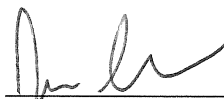
1. This is a state habeas corpus proceeding. On July 31, 2024, the Court of Criminal Appeals of Texas (“TCCA”) denied Mr. Milam relief from his sentence of death (attached as Exhibit 1).
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).
3. At present, Mr. Milam has until October 29, 2024, to file a petition for a writ of certiorari seeking review of the TCCA’s decision. *See* U.S.S.Ct.R. 13.1, 13.3.
4. Under Rule 13.5 and Rule 30.3, this Court may extend the time for seeking certiorari for up to sixty (60) additional days. Mr. Milam requests an extension of 30 days under the circumstances, up to and including November 28, 2024, to file his petition.
5. Counsel for the Respondent does not oppose the requested extension of time.
6. The issues to be presented in Mr. Milam’s capital case are significant, including Eighth Amendment prohibition on the death penalty for persons with an intellectual disability. *See Atkins v. Virginia*, 536 U.S. 304 (2002).
7. Undersigned counsel is the supervisor of the Capital Habeas Unit (CHU) of the Office of the Federal Public Defender, Northern District of Texas. As supervisor of the CHU, Mr. Schepers both provides direct representation and supervises the work of the CHU staff, including its attorneys. Several of his cases, including capital cases in federal habeas corpus proceedings in the Fifth Circuit Court of Appeals and

related proceedings, have been active in recent months and have required a significant amount of time. This includes: (1) filings in the United States Court of Appeal for the Fifth Circuit in *Cruz-Garcia v. Lumpkin*, No. 24-70003; (2) filing a Motion for Certificate of Appealability and Brief in Support in the United States Court of Appeal for the Fifth Circuit in *Rubio v. Lumpkin*, No. 24-70004, on October 9, 2024; (3) assisting in preparations for oral argument which is set for November 6, 2024, in the United States Court of Appeal for the Fifth Circuit in *Johnson v. Lumpkin*, No. 23-70002. Consequently, additional time is needed to prepare the petition for writ of certiorari in Mr. Milam's case.

CONCLUSION

For the foregoing reasons, the application for extension of time should be granted, extending the time to file a petition for writ of certiorari for 30 days, until November 28, 2024.

Respectfully submitted,



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Counsel for Blaine Milam

CERTIFICATE OF SERVICE

I am counsel of record for Blaine Milam, appointed to represent him under the 18 U.S.C. § 3599, and I am a member of the U.S. Supreme Court bar (#304861).

On October 9, 2024, I sent via FedEx, the following documents along with a cover letter:

- An application for extension of time to file Certificate of Writ of Certiorari for Blaine Milam;
- Certificate of service;

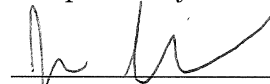
These documents and the envelope were addressed to:

Tomee Heining
Office of the Attorney General of Texas
Post Office Box 12548, Capitol Station
Austin, TX 78711

Thus, I accomplished service required by Rule 29 of the Supreme Court.

DATED: October 9, 2024

Respectfully submitted,



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