

No. A-_____

In the Supreme Court of the United States

Robert James Rainey,
Petitioner,
v.
Colorado,
Respondent.

**Application for an Extension of Time to File a Petition for a
Writ of Certiorari to the Colorado Supreme Court**

To the Honorable Neil M. Gorsuch, Associate Justice and Circuit Justice for the Tenth Circuit:

Pursuant to Rule 13.5 of this Court, Petitioner Robert James Rainey respectfully requests a 60-day extension of time, to and including November 7, 2024, in which to file a petition for a writ of certiorari in this Court. The Court has jurisdiction under 28 U.S.C. § 1257(a).

The judgment of the Colorado Supreme Court was entered on June 10, 2024, so the time to file a petition for a writ of certiorari currently expires on September 8, 2024.

This case is the companion case to *Davis v. Colorado*, No. 23-1096 (pet. for cert. filed Apr. 5, 2024). The two cases involve the same issue and were decided on the same day by the Colorado Supreme Court. *People v. Rainey*, 527 P.3d 387 (Colo. 2023); *People v. Davis*, 527 P.3d 380 (Colo. 2023). *Rainey* arrives at this Court several months after *Davis* because both cases required further litigation in the state courts

before there was a final judgment, and because the state courts decided *Davis* more quickly than they decided *Rainey*.

The undersigned is counsel of record for petitioners in both cases. If the Court grants certiorari in *Davis*, we will file a certiorari petition in *Rainey* asking the Court to hold *Rainey* for *Davis*. If the Court denies certiorari in *Davis*, it would be pointless to file a certiorari petition in *Rainey*, so we will not file one.

Because of the Court's summer recess, we are not likely to learn whether certiorari is granted in *Davis* until October, a few weeks after our deadline for filing a certiorari petition in *Rainey*. For this reason, we are requesting a 60-day extension of time, to and including November 7, 2024. With such an extension, we will be able to prepare and file a certiorari petition in *Rainey* if the Court grants certiorari in *Davis*, but if the Court denies certiorari in *Davis* we will not trouble the Court with an unnecessary certiorari petition in *Rainey*.

Counsel for respondent has informed us that respondent has no objection to the requested extension of time.

Respectfully submitted,

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