

No. _____

**IN THE SUPREME COURT
OF THE UNITED STATES**

BRETT A. SINKEVITCH,

Applicant,

v.

BRAD CAIN,
Superintendent, Snake River
Correctional Institution,

Respondent.

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

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

Pursuant to Supreme Court Rule 13.5, Applicant Brett A. Sinkevitch re-
quests a 60-day extension of time, to and including March 28, 2025, within
which to file a petition for a writ of certiorari in this 28 U.S.C. § 2254 habeas
case. The Ninth Circuit issued its order denying Sinkevitch’s request for a cer-
tificate of appealability on October 30, 2024. App. A. Absent an extension of
time, Applicant’s petition for certiorari would be due on or before January 28,

2025. This application is late under Rules 13.5 and 30.2 because it is not being filed ten days or more before the petition is due.

This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1), as this Court "may review the denial of a COA by the lower courts." *Ayestas v. Davis*, 584 U.S. 28, 38 (2018) (citing *Miller-El v. Cockrell*, 537 U.S. 322, 326-27 (2003)); *see also Hohn v. United States*, 524 U.S. 236 (1998) (holding that denials of a certificate of appealability are appealable via certiorari with jurisdiction under 28 U.S.C. § 1254(1)).

Undersigned counsel has been in a three-week trial in Washington D.C., which was never expected to last that long and only recently discovered that Mr. Sinkevitch definitively elects to seek review in this Court. Thus, Applicant respectfully requests a 60-day extension of time to file a petition for writ of certiorari, and good cause exists for this extension to allow counsel time to coordinate with Mr. Sinkevitch and prepare his petition per his instructions, which were delayed given his custodial status and counsel's extended trial participation.

For the foregoing reasons, Applicant respectfully requests that the time for filing a petition for writ of certiorari in this case be extended by 60 days, to and including March 28, 2025.

Respectfully submitted January 24, 2025.

s/ Kurt David Hermansen

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Certificate of Service

I, Kurt David Hermansen, a member of the bar of this Court, certify that on January 24, 2025, all parties required to be served were served copies of the foregoing via email and U.S. Postal mail at the address listed below:

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s/ Kurt David Hermansen

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