

Opinion in Chambers

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SUPREME COURT OF THE UNITED STATES

No. 11T0001

NEWPLAYERQWERTY, ET AL., PETITIONERS *v.*
N_IGHTMAARE, ET AL.

ON APPLICATION FOR EXTENSION OF TIME

[April 9, 2021]

JUSTICE POWELL, Applications Justice.

Before me is an application for extension of time in which to file a petition for a writ of certiorari to the United States District Court for the District of Columbia. Applicant’s time to file a petition for a writ of certiorari has almost expired, and thus this application was filed with me.

Ordinarily the time to file any petition for a writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review “shall be taken or applied for within ninety days after the entry of such judgment or decree.” 28 U. S. C. §2101(c); see also this Court’s Rule 13.1. However, an individual justice may extend the time to file for up to 60 days “for good cause shown.” Rule 13.2.¹ Nevertheless, this Court’s rules specify, and we have recognized, that a “[a]n application to extend the time to file a petition for a writ of certiorari is not favored.” Rule 13.6; see also *Penry v. Texas*, 515 U. S. 1304, 1305 (1995) (Scalia, J., in chambers).

Counsel for applicants argues that several factors contribute to the delay, including the fact that one of his co-

¹ Under our time conversion metrics, 90 days would be equal to about 11 days, and 60 days would be equal to about eight days.

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counsel is currently unavailable due to school exams, that leading counsel is arranged to argue in a case before us, that leading counsel has other cases that he is required to attend to in the District Court for the District of Columbia, and that leading counsel must perform his duties for a foreign nation in the United Nations.

Ordinarily, these reasons do not lead me to believe that counsel has satisfied the “good cause” standard. That standard is exacting, cf. *Penry*, 515 U. S., at 1305, and the reasons presented do not satisfy that standard, save for counsel’s exams. An attorney may be asked to take several cases at a time, and one of these abilities is ensuring that he can file documents within deadlines. If he cannot, then it is imperative that he request an extension at the earliest time possible.

That is not the case here. The dismissal with prejudice applicant asks us to review was entered in the District Court on April 1st, 2021. Today is April 9th, 2021, eight days after judgment was entered, and three days before the time permitted to file a petition for a writ of certiorari expires. Although counsel may have his own reasons for not requesting an extension earlier, given the multitude of reasons he listed in the application, I do not believe that they are good cause for granting an application.

Nevertheless, this is the first case where I have been asked to grant an extension for such a case. I have not previously had an opportunity in this capacity to set forth my views on application of the “good cause” standard under this Court’s Rule 13.2, see *Madden v. Texas*, 498 U. S. 1301, 1305 (1991) (Scalia, J., in chambers), and thus I believe that there is indeed good cause to grant a five-day extension to applicants. I shall not grant extensions in similar circumstances again.

It is so ordered.