

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am: The party requesting the extension.
 Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- Brief (*you **must** also complete the Declaration on page 3*)
- Motion to proceed in forma pauperis
- Motion for a certificate of appealability
- Response/opposition to a pending motion
- Reply to a response/opposition to a pending motion
- Certified Administrative Record
- Response to court order dated
- Other (*you **must** describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):
(attach additional pages if necessary)

I need additional time (1 week) to complete the supplemental brief. Please see attached declaration for details.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8
Complete this section for criminal or immigration cases.

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- I have **NOT** filed a previous request to extend time to file the document.
- I have previously requested an extension of time to file the document.

This motion is my request.
(Examples: *first, second*)

Bail/detention status (*select one*):

- The defendant is incarcerated. The projected release date is: .
- The petitioner is detained.
- The defendant/petitioner in this criminal/immigration case is at liberty.

Signature **Date**
(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)
Complete this section if you are requesting an extension of time to file a brief.

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

5. The position of the other party/parties regarding this request is:

Unopposed.

Opposed by *(name of party/parties opposing this motion):*

Unknown. I am unable to verify the position of the other party/parties because:

6. The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DUNCAN D. HUNTER,

Defendant-Appellant.

C.A. No. 19-50242

U.S.D.C. No. 18-cr-3677-W
Southern District of California

APPELLANT’S UNOPPOSED
MOTION FOR AN EXTENSION
OF TIME FOR THE PARTIES TO
FILE THEIR SUPPLEMENTAL
BRIEFS

Appellant Duncan Hunter respectfully moves, unopposed, for a one-week extension of time for the parties to file their supplemental briefs.

On September 25, 2019, the Court issued an order providing in part: “The government’s motion to set expedited briefing schedule (Docket Entry No. 2) is GRANTED. The briefs addressing the government’s motion to dismiss are treated as briefs on the merits. In addition, *the parties may file simultaneous supplemental briefs not to exceed 20 pages within 14 days* This case will be placed on a December argument calendar.” Dckt. 12 (emphasis added). The case is now set for oral argument on December 12, 2019.

For the reasons set forth below in counsel's declaration, Congressman Hunter asks for a one-week extension, such that both parties may file simultaneous supplemental briefs not to exceed 20 pages by October 16, 2019.

Respectfully submitted,

s/ Devin Burstein

Dated: September 30, 2019

Devin Burstein
Warren & Burstein

DECLARATION OF COUNSEL

I, Devin Burstein, declare the following to be true.

1. On July 19, 2019, I was retained to represent Congressman Hunter in this appeal. I am the only attorney representing Congressman Hunter on appeal.
2. When the Court issued its order on September 25, 2019, I was out of the country. I was unable to begin working on the supplemental brief right away.
3. Nor was I able to do so immediately upon my return. I have a reply brief due to this Court on October 3, 2019, in *United States v. Aragon*, No. 18-50248. My client is in custody and I have already received an extension for the reply brief. I need to complete and file that brief before turning my attention to the supplemental brief in this case.
4. With the requested one-week extension, the supplemental briefs (limited to 20 pages) will be filed on October 16, 2019, which more than eight weeks before the scheduled oral argument on December 12, 2019. As such, granting the short extension should not delay resolution of this case.
5. I have discussed this matter with the government. The assigned prosecutors do not oppose the request, provided it will not delay resolution of the case.

6. Accordingly, I request the Court grant a one-week extension. As noted, the extension will apply to both parties, such that the government will also receive additional time to complete its supplemental brief.

Respectfully submitted,

s/ Devin Burstein

Devin Burstein
Warren & Burstein

Dated: September 30, 2019