

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DUY T. MAI,
Plaintiff-Appellant,

v.

UNITED STATES, et al.,
Defendants-Appellees.

No. 18-36071

**UNOPPOSED MOTION FOR A 30-DAY EXTENSION OF TIME
TO FILE RESPONSE TO REHEARING PETITION, UP TO AND
INCLUDING JUNE 15, 2020**

Pursuant to Rules 26 and 27 of the Federal Rules of Appellate Procedure, the government respectfully moves for an extension of thirty days, to and including June 15, 2020, in which to file its response to plaintiff's petition for panel rehearing and rehearing en banc. In support of this motion, the government states the following:

1. Plaintiff brings an as-applied challenge to the constitutionality of the federal firearms prohibition found in 18 U.S.C. § 922(g)(4). The district court granted the government's motion to dismiss on February 8, 2018, and this Court affirmed on March 11, 2020.

2. On April 24, 2020, plaintiff filed a petition for panel rehearing and rehearing en banc. Per order of this Court, the government's response is currently due on May 15, 2020.

3. The requested 30-day of extension is necessary in light of the press of other litigation matters and the time needed to complete consultation within the Department of Justice. Specifically, the attorney with primary responsibility for this matter, Abby Wright, is tasked with managing emergency appellate litigation concerning challenges to the Bureau of Prison's response to the COVID-19 crisis, including the government's appeal of a preliminary injunction in *Wilson v. Williams*, No. 20-cv-794 (N.D. Ohio), filed on April 27, 2020.

4. The government has contacted counsel for plaintiff who has indicated that he has no objection to this motion.

Respectfully submitted,

/s/ Abby C. Wright

ABBY C. WRIGHT

(202) 514-0664

Civil Division, Appellate Staff

U.S. Department of Justice

950 Pennsylvania Ave., N.W., Rm. 7252

Washington, D.C. 20530

Attorney for Respondent

APRIL 2020

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 304 words, according to the count of Microsoft Word.

/s/ Abby C. Wright
Abby C. Wright
Counsel for defendants-appellees
Abby.wright@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2020, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

/s/ Abby C. Wright
Abby C. Wright
Counsel for defendants-appellees
Abby.Wright@usdoj.gov