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July 28, 2009

VIA OVERNIGHT MAIL

The Honorable William K. Suter
Clerk of the Court
Supreme Court of the United States
Office of the Clerk
Washington, D.C. 20543-0001

Re: *Maloney v. Rice*, No. 08-1592

Dear Mr. Suter:

This office represents the respondent, Nassau County District Attorney Kathleen Rice, in the referenced matter. Pursuant to this Court's Rule 30.4, I request a 30-day extension of time to August 28, 2009 to serve and file a response to the petition for a writ of certiorari to the United States Court of Appeals for the Second Circuit, filed on June 26, 2009. Our response currently is due July 29, 2009.

Petitioner has consented to this extension.

We request this extension for two reasons. First, we need further time to assess how to respond to the petition for certiorari, which presents controversial issues concerning the applicability of the Second Amendment to the United States Constitution and of this Court's decision in *District of Columbia v. Heller*, 128 S. Ct. 2783 (2009). We note in this connection that these issues were not previously briefed in the Court of Appeals or in the District Court. The parties filed their briefs in the Second Circuit before this Court decided *Heller*, and were thus permitted to address its significance to this case in only 350 words pursuant to Fed. R. App. P. 28(j) governing supplemental filings.

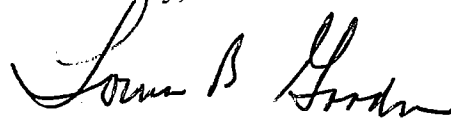
Second, the chief of our small appeals unit, who will be primarily responsible for our response to the petition, has been extensively involved in preparation for a multi-million dollar class action trial commencing September 8, 2009 in *In re: Nassau County Strip Search Cases*, 99-cv-

2844 (DRH) (E.D.N.Y.; on remand from the Second Circuit), which is believed to be the first strip search class action in the nation to go to trial.

For these reasons, we need additional time to determine how to respond to the petition and to prepare a well-reasoned opposition.

Thank you very much for your courtesy in considering this request.

Sincerely,

A handwritten signature in cursive script that reads "Lorna B. Goodman".

Lorna B. Goodman
Nassau County Attorney
Counsel of Record for Respondent

cc: Jeffrey Bossert Clark, Esq.
Counsel of Record for Petitioner

Matthew D. Fender
Counsel for prospective amicus curiae NRA Civil Rights Defense Fund