

No. _____

In the
Supreme Court of the United States.

Juan Francisco Maldonado

Petitioner,

-v-

State of Texas

Respondent.

**On Petition for Writ of Certiorari to the United States
Court of Appeals for the Federal Circuit.**

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI.**

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MAY IT PLEASE THIS HONORABLE COURT:

COMES NOW Victoria Guerra, recently retained counsel for putative petitioner Juan Francisco Maldonado in the above entitled action, and hereby applies for an Order from a Justice of this Court allowing for an extension of time of sixty (60) days to including July 30, 2018 in which to file a petition in this Court for a writ of certiorari to the Thirteenth Court of Appeals, State of Texas.

In support of said Application, the undersigned attorney relies upon the following facts:

1. On October 9, 2014, the Thirteenth Court of Appeals affirmed the district court's judgment of conviction of possession of a controlled substance with intent to deliver 400 grams of cocaine.

2. Petitioner was granted an out of time appeal to do a petition for discretionary review to the Texas Court of Criminal Appeals. The Court of Criminal Appeals denied PDR on January 24, 2018 and denied his motion for rehearing on February 28, 2018. The opinion from the Thirteenth Court of Appeals and the denials of the PDR and motion for rehearing are attached as Exs. 1, 2, and 3 respectively.

3. The deadline to file this Petition for Writ of Certiorari falls on May 29, 2018. Petitioner, by and through the Undersigned counsel, requests a 60-day extension of time to file this Application for Petition for Writ of Certiorari.

4. The Undersigned was not the counsel in the lower court proceedings. Petitioner, having exhausted most of his resources in the lower court proceedings, had a difficult time gathering funds to hire an attorney to do this petition. The Undersigned attorney for Petitioner was retained on this case on May 17, 2018.

5. This involves an important federal question under the Fourth Amendment, U.S. Const. Specifically, law enforcement illegally extended the detention of the petitioner, when he was driving his tractor-trailer, resulting in an illegal search. The lower courts applied the wrong standard in denying Petitioner's motion to suppress and affirming said decision by the reviewing courts.

6. The Undersigned immediately began working on this case, reading lower court briefs, the appellate record and the court of appeals' opinion. Legal research has commenced, and much more is needed.

7. The reason that 60 additional days are needed is because the Undersigned is also working on other briefs that are of secondary importance to this Application. The Undersigned is one of three attorneys working on appellant's brief to the Texas Thirteenth Court of Appeals in the case of *Sandy Hernandez v. State*, appellate cause number 13-16-00696-CR. No other extensions are allowed. The Undersigned wrote several issues in the brief and is now assisting in editing and paring down the brief from 175 pages to 15,000 words.

8. Other less important deadlines than the present Application include but are not limited to: (a) Appellant's reply brief is due on June 11, 2018 in the case of *In the Interest of Y.C., a Child*, appellate cause number 13-17-00419-CV; (b) Appellant's brief is due in *Gault v. Gault* on June 27, 2018, appellate cause number 13-18-0097-CV.

9. This is Petitioner's first extension of time sought in this case. No prejudice will be caused by the granting of this motion.

Respectfully submitted,

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By: /s/ Victoria Guerra
Victoria Guerra
State Bar Number: 08578900
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I gave due notice of the enclosed Application to the
Solicitor General of the State of Texas by mailing a copy of same, postage prepaid
first-class as follows:

Office of the Texas Attorney General
C/O Department of the Solicitor General
P.O. Box 12548
Austin, TX 78711-2548

/s/ Victoria Guerra
Victoria Guerra