

No.

IN THE SUPREME COURT OF THE UNITED STATES

LAWRENCE BLESSINGER,

Applicant,

v.

UNITED STATES OF AMERICA,

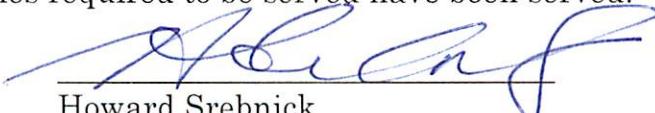
Respondent.

CERTIFICATE OF SERVICE

I, Howard M. Srebnick, a member of the Bar of this Court, certify that on April 2, 2019, I caused to be served by first-class mail, postage prepaid, the enclosed Application for an Extension of Time to File a Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit in the above proceeding on, and also emailed an electronic copy of the same to:

The Solicitor General of the United States, U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 5614
Washington, DC 20530-0001
Email: supremectbriefs@usdoj.gov
(202) 514-2217

I further certify that all parties required to be served have been served.



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**APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.2 of this Court, Applicant Lawrence Blessinger respectfully requests a 60-day extension of the time within which to file a petition for a writ of certiorari in this Court, to and including June 14, 2019.

1. Mr. Blessinger entered a conditional plea of guilty to two counts of bringing an alien to the United States at a location other than a designated point of entry which expressly preserved his right to appeal the district court's denial of his motion to suppress the evidence derived from his traffic stop. The Eleventh Circuit

affirmed the denial of Mr. Blessinger's motion to suppress (Exhibit A), *see United States v. Blessinger*, 752 F. App'x 765 (Oct. 2, 2018), and denied Mr. Blessinger's timely petition for rehearing and for rehearing en banc on January 15, 2019 (Exhibit B). This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. Unless an extension is granted, the deadline for Mr. Blessinger to file a petition for a writ of certiorari will be April 15, 2019. This motion is filed more than 10 days before that date. *See* S. Ct. Rule 13.5.

3. This case arises because a local law enforcement officer conducted a traffic stop after observing Mr. Blessinger's truck in the proximity of tree trimmings on vacant, heavily-wooded private property that caused the officer to suspect that Mr. Blessinger had committed a misdemeanor violation of the "Florida Litter Law." Fla. Stat. § 403.413(4)(c). During the traffic stop, the officer encountered a female passenger in Mr. Blessinger's truck, who was determined to be an undocumented immigrant. In the state court proceedings concerning the littering offense, Mr. Blessinger challenged the legality of the traffic stop by way of the motion to suppress, which the state court granted. In the subsequent federal court proceedings concerning the alien-smuggling offense, however, Mr. Blessinger's motion to suppress was denied. This case implicates important Fourth Amendment principles, including the legal standard applicable to warrantless searches and seizures that are premised on an officer's observation of a completed misdemeanor. Mr. Blessinger relied on the bright-line rule applicable in the Sixth Circuit, in which "an investigative stop of a vehicle" can never be justified based on "reasonable suspicion of . . . a mere completed

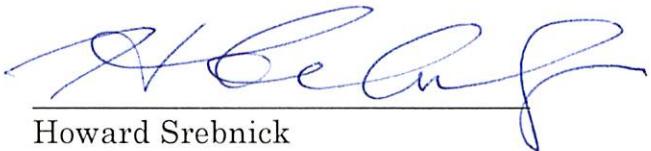
misdemeanor.” *Gaddis ex rel. Gaddis v. Redford Twp.*, 364 F.3d 763, 771 n.6 (2004). This case presents a legal question of substantial importance that has generated a split of authority in the lower courts. *See, e.g., United States v. Hughes*, 606 F.3d 311, 316 n.8 (8th Cir. 2010) (observing that the “Sixth Circuit States that police may not make a stop on reasonable suspicion of a ‘mere completed misdemeanor,’” but, ultimately joining “the Ninth and Tenth Circuits” by “declin[ing] to adopt a per se rule that police may never stop an individual to investigate a completed misdemeanor”).

4. Applicant’s counsel of record, Howard M. Srebnick, has substantial professional obligations, notably including a federal criminal trial in *United States v. Esformes*, No. 16-CR-20549 (S.D. Fla.), which the government has described as “the largest single health care fraud case ever brought against individuals by the Department of Justice.” Press Release, Department of Justice, Three Individuals Charged in \$1 Billion Medicare Fraud and Money Laundering Scheme (July 22, 2016), *available at* <https://bit.ly/29Z14ix>. The criminal trial, which demanded virtually around-the-clock attention, commenced on February 11, 2019, and—following closing arguments on March 29, 2019—continues to raise complex substantive matters that remain pending for resolution and require extensive preparation, including a motion to dismiss on Constitutional grounds (which is set for a hearing on today’s date), as well as a potential jury trial on the question of forfeiture regarding, among other things, 19 bank accounts; 16 business entities; and

4 parcels of real property, which the trial court indicated will be tried by the jury immediately following the return of the verdict in the event of a conviction.

For the foregoing reasons, Mr. Blessinger respectfully requests an extension of time to and including June 14, 2019 within which he may file a petition for a writ of certiorari.

Respectfully submitted,



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April 2, 2019