

IN THE SUPREME COURT OF THE UNITED STATES

GABRIEL WERDENE,
Petitioner

VS. : **No. _____**

UNITED STATES OF AMERICA :

APPLICATION FOR EXTENSION OF TIME
FOR FILING PETITION FOR WRIT OF CERTIORARI

Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30-day extension of time for filing of a petition for writ of certiorari, and in support represents as follows:

1. Petitioner Gabriel Werdene was charged by indictment in the Eastern District of Pennsylvania with possessing child pornography and attempt in violation of 18 U.S.C. § 2252(a)(4)(B), (b)(2). He pleaded guilty and was sentenced. On September 12, 2016, Mr. Werdene filed a timely notice of appeal. Following briefing and oral argument, the Third Circuit affirmed the order of the district court by judgment entered February 21, 2018. (Appendix “A”).
2. Pursuant to Rule 13.1, Mr. Werdene’s petition for writ of certiorari was due May 22, 2018. That date was subsequently extended until June 21, 2018, pursuant to undersigned counsel’s written 30-day request.

3. Counsel has been unable to complete the petition given that he had been occupied preparing opening briefs and joint appendices filed in the Third Circuit Court of Appeals in *United States v. Anthony Robinson*, Third Cir. No. 18-1160, on May 30, 2018; and *United States*

v. Lamar Sowell, Third Cir. No. 17-3504, on May 15, 2018. In addition, counsel is reviewing and/or preparing briefing in additional matters before the Third Circuit.

4. Counsel respectfully requests an additional 30 days in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of Gabriel Werdene, Petitioner, respectfully requests that this Court grant this motion for a 30-day extension of time for filing of a petition for writ of certiorari.

Respectfully submitted,

/s/ Brett G. Sweitzer
BRETT G. SWEITZER
Assistant Federal Defender
Chief of Appeals
Federal Community Defender Office
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CERTIFICATE OF SERVICE

I, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have electronically filed this *Application for Extension of Time for Filing Petition for Writ of Certiorari* through the Electronic Filing System (EFS) of the Supreme Court of the United States and served copies upon Assistant United States Attorney Michelle L. Morgan, by hand delivery to her office located at 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and upon Noel Francisco, Solicitor General of the United States, by first class U.S. mail addressed to United States Department of Justice, Room 5614, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

/s/ Brett G. Sweitzer
BRETT G. SWEITZER

Dated: June 7, 2018