

IN THE SUPREME COURT OF THE UNITED STATES

LEVI STOLTZFOOS, Petitioner

VS.

**SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF
CORRECTIONS; ATTORNEY GENERAL OF PENNSYLVANIA;
DISTRICT ATTORNEY OF LANCASTER COUNTY**

On Appeal from the Third Circuit Court of Appeals

No. 17-1772

JORDAN, BIBAS, and SCIRICA, Circuit Judges Filed April 30, 2018

**To the Honorable Samuel A. Alito, Jr. Associate Justice of the United States
Supreme Court and Circuit Justice for the Third Circuit**

Jurisdiction pursuant to 28 U.S.C. § 1254

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

Joseph S. Mitchell III, Esquire, a CJA Attorney in the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30 day extension of time for filing a Petition for Writ of Certiorari, or until August 29, 2018, and in support represents the following:

1. In 2008, Levi Stoltzfoos was found guilty of 18 PA Section 5413(a)(3), Dealing in Unlawful Proceeds (structuring bank deposits), in the Lancaster County Pennsylvania Court of Common Pleas and sentenced to 2 to 10 years jail time and a fine of \$540,200. Stoltzfoos appealed his conviction on several grounds and after being denied and exhausting his state remedies, filed a pro se habeas petition with the US District Court of the Eastern District of Pennsylvania. On September 20, 2017, The Honorable Legrome Davis denied his Habeas Petition and did not issue a certificate of appealability. Petitioner through his present counsel filed a application for granting a certificate of appealability with the Third Circuit Court of Appeals, which was granted in regards to the Petitioner's constitutionally overbroad arguments.

2. Briefs were filed, and on April 30, 2018, the Third Circuit Court of Appeals issued a published opinion affirming Judge Davis' and order rejecting Petitioner's constitutionally overbroad argument. (Attached as Appendix "A"). Counsel did not file a petition for reconsideration en banc.

3. Petitioner's petition for writ of certiorari is due 90 days after the entry of the judgment of the Court of Appeals. The due date is therefore July 29, 2018.

4. Counsel has been unable to complete the petition in this matter because of certain disagreements and communication issues between Counsel and Petitioner.

5. Counsel requests an additional 30 days or until August 29, 2018 in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Joseph S. Mitchell III, Esquire, CJA Attorney for the Third Circuit Court of Appeals and the Eastern District of Pennsylvania, and on behalf of Petitioner Levi Stoltzfoos, respectfully requests that this Court grant this motion for a 30-day extension of time for filing of the petition for writ of certiorari and order that the petition be filed on or before August 29, 2018.

Respectfully submitted,

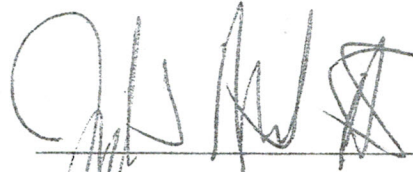


Joseph S. Mitchell III

CERTIFICATE OF SERVICE

I, Joseph S. Mitchell III, Esquire, a CJA Attorney for the Third Circuit Court of Appeals and attorney for Petitioner Levi Stoltzfoos, hereby do certify that I have served a copy of Application for Extension of Time for Filing Petition for Writ of Certiorari upon Jennifer A. Peterson, Esquire, Assistant Attorney General for the State of Pennsylvania, by regular mail and email to her office located at PA Office of the Attorney General, Strawberry Square, 16th Floor, Harrisburg, PA 17120 and upon the Office of the Solicitor General, by first class U.S. mail, at Department of Justice, Room 5614, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

DATE: 7/17/18



Joseph S. Mitchell III