

No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES  
October Term, 2017

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LEONARD NATHANIEL PERAGINE, JR.,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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MOTION FOR EXTENSION OF TIME TO FILE PETITION  
FOR WRIT OF CERTIORARI TO  
THE SUPREME COURT OF GEORGIA

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RICHARD B. HOLCOMB  
Georgia Bar No. 360333

FEDERAL DEFENDER PROGRAM, INC.  
Centennial Tower, Suite 1500  
101 Marietta Street, N.W.  
Atlanta, Georgia 30303  
(404) 688-7530  
Richard\_Holcomb@fd.org.

Attorney for Leonard Nathaniel Peragine, Jr.

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TO THE HONORABLE CLARENCE THOMAS, Associate Justice  
of the Supreme Court of the United States, and Circuit Justice for the  
United States Court of Appeals for the Eleventh Circuit:

Petitioner Leonard Nathaniel Peragine, Jr., a prisoner acting by and  
through undersigned counsel and pursuant to 28 U.S.C. § 2101(c) and  
Supreme Court Rule 13.5, respectfully requests an extension of time of sixty  
(60) days to file his Petition for a Writ of *Certiorari* in this Court. Mr.  
Peragine seeks review of the decision of the United States Court of Appeals

for the Eleventh Circuit entered on May 8, 2018, *see* Attachment A. Mr. Peragine invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1257(a). His time to file a Petition for Writ of *Certiorari* in this Court elapses on August 6, 2018. Mr. Peragine makes this request more than ten (10) days before the date his petition would be due without an extension of time. This is his first request for an extension of time. In support of his request, Mr. Peragine shows the following as good cause:

Serious substantive and procedural sentencing error infected the determination of Mr. Peragine's 340-month sentence. The district court erred by prioritizing the child pornography guideline range, which applied to conduct that was ancillary to Mr. Peragine's primary offense of child enticement and constituted a less serious offense, but nonetheless resulted in a higher guideline range because of the application of empirically unsupported specific offense characteristics. The court also abused its discretion by failing to account for the history and characteristics of Mr. Peragine, and by failing to provide him with needed correctional treatment under available Bureau of Prisons and Department of Justice protocols without imposing a sentence that was greater than necessary. The court was presented with viable

institutional means in the form of sex offender treatment and dangerousness review that would have adequately accounted for the sentencing factors of Section 3553(a), but abused its discretion in weighing these considerations by instead imposing an incapacitation sentence. A Petition for Writ of *Certiorari* is essential here.


Counsel request an extension of time to seek review in this Court so that counsel can properly and adequately present the substantial constitutional issues that give rise to Mr. Peragine's petition and effectively represent Mr. Peragine. Counsel also need additional time to consult with Supreme Court experts in the preparation of the Petition.

In the time since Mr. Peragine's petition was denied, undersigned counsel, Richard Holcomb, has been actively engaged representing other clients at the Federal Defender Program, both in the district court and at the Eleventh Circuit Court of Appeals. Counsel has also recently been set for trial in an unrelated matter. This has limited counsel's ability to prepare an effective petition by the current deadline. Counsel requires additional time to complete the Petition in this case.

WHEREFORE, Mr. Peragine respectfully requests that this Court grant him a sixty (60) day extension of time within which to file his

Petition for Writ of *Certiorari*, until and including October 5, 2018.

Respectfully submitted, this 23rd day of July, 2018.

A handwritten signature in dark ink, appearing to read "Rich B Holcomb", written over a horizontal line.

RICHARD B. HOLCOMB

Georgia Bar No. 360333

FEDERAL DEFENDER PROGRAM, INC.

Centennial Tower, Suite 1500

101 Marietta Street, N.W.

Atlanta, Georgia 30303

(404) 688-7530

Richard\_Holcomb@fd.org.

Attorney for Mr. Peragine

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the forgoing on counsel for the Respondent Warden Sellers by placing a copy of same in the United States Mail, First Class Postage pre-paid and addressed as follows:

John Shantanu Ghose  
U.S. Attorney's Office  
75 Ted Turner Dr., S.W., Ste 600  
Atlanta, Ga 30303

Dated this, the 23rd day of July, 2018.

A handwritten signature in black ink, appearing to read "Rich B. Holcomb", written over a horizontal line.

Richard B. Holcomb  
Georgia Bar No. 360333