

OCTOBER TERM 2018

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID DEWAYNE RILEY,
Petitioner,

v.

UNITED STATES,
Respondent

On Petition for a Writ of Certiorari
to the Alabama Supreme court

APPLICATION TO THE HONORABLE JUSTICE CLARENCE THOMAS
FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE
ALABAMA SUPREME COURT

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To the Honorable Justice 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, by undersigned counsel, pursuant to Supreme Court Rules 13.5 and 30.2, respectfully requests that this Court grant him a sixty (60) day extension within which to file a Petition for a Writ of Certiorari to the Alabama Supreme

Court. The Federal Defender's Office will be representing Mr. Riley in federal court on his habeas corpus conviction from his state court conviction and sentence.¹

The Alabama Supreme Court denied discretionary review on August 24, 2018.² No rehearing was sought, rendering the petition for writ of certiorari due on or before November 22, 2018. This Court has jurisdiction pursuant to 28 U.S.C. §1257(a).

Supreme Court Rule 13.5 permits a Justice of this Court, "for good cause" to extend the time to file a petition for a writ of certiorari for a period not exceeding sixty (60) days. The application must be received by the Clerk at least ten (10) days before the petition is due, except in extraordinary circumstances.³ This request for an extension of time is being filed through the Court's electronic filing system 14 days before the petition is due.

Undersigned counsel believes that there is good cause to justify the requested extension of time. Undersigned counsel represents a number of Alabama inmates under a death sentence. He is currently preparing a federal habeas corpus petition for Mr. Riley,⁴ as well as pleadings due in two other habeas corpus proceedings in the Northern District of Alabama, one due on November 9, 2018 and the other due on December 21, 2018.⁵

¹ Undersigned counsel has a pending motion for appointment of counsel to represent Mr. Riley in the District Court for the Northern District of Alabama. *Riley v. Commissioner*, 3:18-mc-01724-LCB.

² See Exhibit A, Alabama Supreme Court Order denying review.

³ Rule 30.2.

⁴ Counsel has calculated that Mr. Riley's 28 U.S.C. § 2254 petition is due in February 2019.

⁵ *Sharp v. Warden*, 17-cv-01077-ACK; *Sharifi v. Commissioner*, 17-cv-001924-KOB.

Petitioner respectfully requests that an order be entered extending his time to petition for certiorari by sixty (60) days, up to and including January 21, 2019.

Respectfully submitted,

/s/ John Anthony Palombi
John Anthony Palombi
Counsel of Record
Assistant Federal Defender
Federal Defenders
Middle District of Alabama
817 S. Court Street
Montgomery, Alabama 36104

CERTIFICATE OF SERVICE

I, John A. Palombi, a member of the Bar of this Court, hereby certifies that on November 8, 2018, this pleading was filed with the Court through its electronic filing system and served on previous counsel for the State of Alabama via Electronic Mail.

/s/ John Anthony Palombi
John Anthony Palombi
Counsel of Record
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817 S. Court Street
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