

OCTOBER TERM 2018

IN THE
SUPREME COURT OF THE UNITED STATES

LEMUEL GAY,
Petitioner,

v.

UNITED STATES,
Respondent

On Petition for a Writ of Certiorari
to the Court of Appeals for the Eleventh Circuit

APPLICATION TO THE HONORABLE JUSTICE CLARENCE THOMAS
FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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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, Mr. Lemuel Gay, 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

Court of Appeals for the Eleventh Circuit. Mr. Gay was represented by the Federal Defender's Office in the District Court and the Court of Appeals.¹

The Eleventh Circuit's opinion in this case was issued on August 21, 2018.² No rehearing was sought, rendering the petition for writ of certiorari due on or before November 19, 2018. This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

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 12 days before the petition is due.

Undersigned counsel believes that there is good cause to justify the requested extension of time. Undersigned counsel is the only attorney in the trial unit assigned to work on appellate and post-conviction matters. As a result, counsel currently represents a number of clients with cases pending in both the Eleventh Circuit and the United States District Court for the Middle District of Alabama. Due to the convergence and proximity of the filing deadlines in these cases, undersigned counsel needs additional time to research and prepare a petition for a writ of certiorari in this case.

¹ See Exhibit A.

² See Exhibit B.

³ Rule 30.2.

Petitioner respectfully requests that an order be entered extending his time to petition for certiorari by sixty (60) days, up to and including January 19, 2019.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

I, Mackenzie S. Lund, Counsel of Record, hereby certifies that on November 7, 2018, this pleading was filed with the Court through its electronic filing system and served on previous counsel for the United States via Electronic Mail.

/s/ Mackenzie S. Lund
Mackenzie S. Lund
Counsel of Record
Assistant Federal Defender
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