

IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

CASE NUMBER: 17-13674-CC

JOHN M. KROTT,  
Appellant,

v.

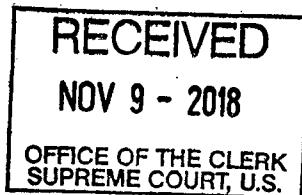
JULIE JONES, SECRETARY  
FLORIDA DEPARTMENT  
OF CORRECTIONS  
Appellee.

---

APPLICATION TO EXTEND THE TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI

---

JOHN M. KROTT  
(PRO-SE)  
DC # 777266/D1147-S  
WALTON CORRECTIONAL INSTITUTION  
691 INSTITUTE ROAD  
DEFUNIAK SPRINGS, FL. 32433



1

Provided to Walton CI  
On 11/5/18 for Mailing  
Date

By (officer initials) JK

## REQUEST FOR EXTENDED TIME

In accordance with Supreme Court Rule 13, the Petitioner, John M. Krott, pro-se, respectfully moves this Honorable Court for an order granting an extension of time to file a Petition For a Writ of Certiorari In support thereof, Krott attests to the following;

### JURISDICTION

For good cause, this Honorable Court has discretionary jurisdiction pursuant to Supreme Court Rules 13, 21, 22, 30, & 33.2, of the Fed. R. Crim. Code, (2018), to issue an order granting an extension of time, not to exceed 60 days, to file a Petition for a Writ of Certiorari.

### PARTIES

This requested extension is not for the purpose of delaying any proceeding, process, or decision. There are no other filings under this case number pending in any court, and Ms. Julie Jones, the Secretary of The Department of Corrections for the State of Florida, the “other” party, has been provided a copy of this filing, and should not have any reason to object to this request.

### TIMELINESS

A Petition for Rehearing En Banc was timely filed with The Eleventh Circuit Court of Appeals. An order was issued, [*provided*], by the Eleventh Circuit, denying the petition on the 16<sup>th</sup> day of August, 2018. Pursuant to Supreme Court Rules 13.1, and

13.5, a request for an extension of time may be filed at least 10 days prior to the date the Petition for Certiorari review is due. The petition is due on the 14<sup>th</sup> day of November, 2018. Ten days prior to the due date for filing the certiorari is the 4<sup>th</sup> day of November, 2018. The 4<sup>th</sup> falls on a Sunday, so this request is timely filed, as it was placed in the hands of officials at Walton C.I. on Monday, the 5<sup>th</sup> day of November, 2018, the next available working day after Sunday, for service through the U.S. Mail. Krott is an inmate confined at Walton Correctional Institution, and pursuant to Rule 29.2, if submitted by an inmate confined in an institution, a document is timely filed if it's deposited in the institution's internal mail system on or before the last day for filing and is accompanied by a notarized statement or, *declaration in compliance with 28 U.S.C. §1746*, setting out the date of deposit and stating that first-class postage has been prepaid. The Declaration of Compliance is provided just prior to the Certificate of Service at the end of this application. Krott offers the following in support of this application;

1) *Krott is not trying to make a habit out of requesting an extension of time to file a proceeding that's extremely relevant to this case. The last thing Krott wants to do is aggravate this Honorable Court, or, waste this Honorable Court's valuable time. Krott needs this Honorable Court's unbiased review to prevent the continuation of a constitutional violation that has resulted in a manifest injustice from the beginning of this case. The Constitutional violations began when Krott was arrested on a warrant*

*that was fabricated by law enforcement. The warrant was fabricated by illegally opening a closed case that's been previously determined in its finality, for the purpose of an arrest in an unrelated case. This illegality resulted in a double jeopardy violation;*

*2) Krott is a law clerk at the facility he is currently housed at, and due to being understaffed in the law library, there are only four certified law clerks for about 1,500 inmates, Krott's caseload is currently overwhelming with deadlines and all. Then to top that off, the law library is required to be open only 25 hours a week. Due to security issues recently at the compound where Krott is presently housed, the law library has had to be closed down early a couple of days a week for the past couple of months in a row. Krott understands the importance of this Honorable Court's expectations and requirements, and is not attempting to prolong any process with this Honorable Court, or burden this court in any way with this requested extension. A law-clerks job requirements in D.O.C. mandates a law clerk first assists other inmates with their law-work before time is spent on his personal case. Krott's caseload as mentioned is pretty overwhelming at the time. Therefore the extension is respectfully requested.*

*3) The requested extension is not for the purpose of delaying anything. There are no other filings under this case presently pending in any court. Krott has previously exhausted all remedies available to have legally, and procedurally gained access to the Eleventh Circuit Court of Appeals.*

*4) On the 20<sup>th</sup> day of June, 2018, the Honorable United States District Court*

*of the Southern Division affirmed the previous decision, (provided), stating that the District Court lacked jurisdiction to hear and rule over the illegality of cause because, Krott was not “in custody” on the sentence and conviction being challenged in the §2254 petition when the petition was filed. Krott contends, and proves irrefutably, that the current “in-custody” conviction and sentence is a product of the illegal arrest. A violation of U.S. v. Leon-468 U.S. 897, 906 (1984). which would not have existed if not for the fabricated warrant arrested over.*

5) *Krott used a newspaper article as an exhibit from Broward County, printed and published at the same time when Krott was arrested on the fabricated warrant. The article stated that Sheriff Ken Jenne, (Broward County's Sheriff during 2005, and 2006), was a failure because he allowed his deputies to open closed cases for the purpose of an arrest. In other words the Broward Sheriff's Office had a track record of doing the same thing to others that Krott was subject to as well. The reason this case has been overlooked for so long, without the illegality being taken care of, is due to the can of worms that would've been opened if this case went public. Krott proposes that this case is of the caliber of an unpublished opinion. I've spent 12 years uncovering and assembling the illegalities of this case, if I can do for myself what needs to be done for me, then, others who might be in the same predicament, can do for themselves what I did for me.*

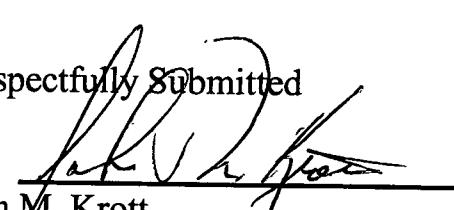
6) *The Appellee, Julie Jones, The Secretary of the Florida Department of Corrections,*

has been provided a copy of this request, and should not have any reason to object to this request.

7) Also, the current deadline will expire on the 14<sup>th</sup> day of November, 2018, should this Honorable Court grant this request,, the new deadline would expire on the 14<sup>th</sup> day of January, 2019. The 14<sup>th</sup> day of January, 2019, falls on a Sunday. So the new deadline would expire on the 15<sup>th</sup> day of January, 2019.

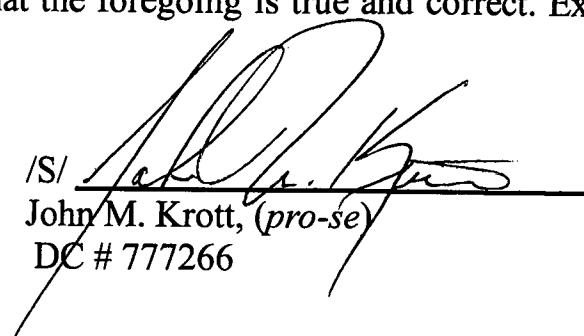
#### RELIEF SOUGHT

THEREFORE, Krott respectfully requests, pursuant to Rules 13.5, and 39.1, in compliance with 28 U.S.C. §1746, of the Supreme Court's Federal Code, and Rules, that an order be issued granting Krott a 60 day extension to file both a Motion seeking *in Forma Pauperis* status to file a Petition For Certiorari review over an adverse decision rendered by the Honorable Eleventh Circuit Court of Appeals.

Respectfully Submitted  
/S/   
John M. Krott  
(PRO-SE)  
DC# 777266/D1147-  
Walton Correctional Institution  
691 Institute  
Defuniak Springs Fl. 32433

## DECLARATION OF COMPLIANCE

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5<sup>th</sup> day of November, 2018.

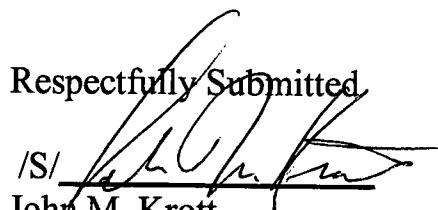
/S/   
John M. Krott, (pro-se)  
DC # 777266

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the foregoing REQUEST FOR AN EXTENSION OF TIME TO FILE A PETITION FOR CERTIORARI REVIEW, has been furnished to the following;

Julie Jones, Secretary  
Florida Department of Corrections  
501 S. Calhoun St.  
Tallahassee, Fla. 32399-2500

By U.S. mail on the 5<sup>th</sup> day of November, 2018.

Respectfully Submitted,  
  
/S/   
John M. Krott  
DC # 777266/D1147-S  
Walton Correctional Institution  
691 Institute Road  
Defuniak Springs, Fl. 32433