

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

KHALID MOHD,

Petitioner,

v.

MARK S. INCH,

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT
COURT OF APPEALS

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI

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Counsel for the Petitioner

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Introduction

Pursuant to this Court's Rule 13.5, the Petitioner, Khalid Mohd, respectfully requests a sixty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including June 24, 2019.

Jurisdiction

The opinion/order of the Eleventh Circuit Court of Appeals denying a certificate of appealability was entered on January 23, 2019. Unless extended, the time within which to file a petition for a writ of certiorari would expire on April 23, 2019.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). A copy of the opinion/order of the Eleventh Circuit Court of Appeals is included in the appendix to this motion.

Argument

The issue in this case is whether the court of appeals improperly denied the Petitioner a certificate of appealability under 28 U.S.C. § 2253(c) on the ineffective assistance of counsel claim raised in the Petitioner's 28 U.S.C. § 2254 petition. In his § 2254 petition, the Petitioner alleged that his defense counsel (1) failed to memorialize witness statements to impeach the alleged victim regarding her mental health and suicidal tendencies, (2) failed to impeach the alleged victim with her prior inconsistent statements regarding her burns, and (3) failed to present evidence at trial regarding

the cultural significance of self-immolation among Islamic women in the Middle East and Asia. As a result, the Petitioner asserted that defense counsel interfered with the Petitioner's right to effective assistance of counsel.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, in the next five weeks, undersigned counsel will be out of his office attending four oral arguments scheduled before Florida appellate courts and one postconviction evidentiary hearing before a Florida circuit court – an unusually high number for undersigned counsel to attend within a five-week period.¹ Additionally, since the opinion/order of the Eleventh Circuit Court of Appeals denying a certificate of appealability was entered, undersigned counsel has participated in one postconviction evidentiary hearing before a Florida circuit court and six oral arguments before Florida appellate courts.

Therefore, the Petitioner requests an extension of sixty days to file the petition for a writ of certiorari. No party will be prejudiced by the granting of a sixty-day extension in this case.

¹ Undersigned counsel is scheduled to appear at the following oral arguments: (1) *Ribes v. State*, case number 2D17-1320, pending before the Florida Second District Court of Appeal; (2) *Russell v. State*, case number 2D18-0187, pending before the Florida Second District Court of Appeal; (3) *Kiley v. State*, case number 5D17-3314, pending before the Florida Fifth District Court of Appeal; and, (4) *Summers v. State*, case number 2D17-3134, pending before the Florida Second District Court of Appeal. Undersigned counsel will appear at a postconviction evidentiary hearing in *State v. MacKendrick*, case number 207-CF-44, pending before the Florida Second Judicial Circuit Court (Liberty County).

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by sixty days.

Respectfully submitted,

/s/ Michael Ufferman

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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 9th day of April, 2019, a copy of this Application For Extension of Time To File A Petition For A Writ Of Certiorari in the above-entitled case was mailed, first class postage prepaid, to Assistant Attorney General Kellie A. Nielan, Office of the Attorney General, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman
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IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-12312-F

KHALID MOHD,

Petitioner-Appellant,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER:

To merit a certificate of appealability, appellant must make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). Because appellant has failed to make the requisite showing, his motion for a certificate of appealability is DENIED.

/s/ William H. Pryor Jr.
UNITED STATES CIRCUIT JUDGE