

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL BENZANT,

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, Samuel Benzant, 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 August 2, 2019.

Jurisdiction

The opinion/order of the Eleventh Circuit Court of Appeals denying a certificate of appealability was entered on March 5, 2019. Unless extended, the time within which to file a petition for a writ of certiorari would expire on June 3, 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 claims the Petitioner raised in his 28 U.S.C. § 2254 petition: (1) that the trial court violated due process rights by not redacting a statement the Petitioner made regarding an unrelated crime, and (2) 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, undersigned counsel has been out of his office for most of the last four weeks attending four out-of-town oral arguments and one out-of-town postconviction evidentiary hearing.¹ It is unusual for undersigned counsel to have four oral arguments in a four-week span.

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.

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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¹ Undersigned counsel has appeared at the following oral arguments: (1) *Ribes v. State*, case number 2D17-1320, pending before the Florida Second District Court of Appeal, heard on April 10, 2019; (2) *Russell v. State*, case number 2D18-0187, pending before the Florida Second District Court of Appeal, heard on April 16, 2019; (3) *Kiley v. State*, case number 5D17-3314, pending before the Florida Fifth District Court of Appeal, heard on April 23, 2019; and (4) *Summers v. State*, case number 2D17-3134, pending before the Florida Second District Court of Appeal, heard on May 7, 2019. Additionally, on April 17, 2019, undersigned counsel attended the postconviction evidentiary hearing in *State v. MacKendrick*, case number 2007-CF-44 (Liberty County, Florida).

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 13th day of May, 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 the Office of the Attorney General, SunTrust International Center, 1 Southeast Third Avenue, Suite 900, Miami, Florida 33131 (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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