

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

JORGE BAEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

APPLICATION FOR A 45 DAY EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI FROM THE
JUDGMENT OF THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES AND
CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT

Petitioner, Jorge Baez, respectfully requests a 45 day extension of time, to and including July 18, 2019, within which to file a petition for writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit. Mr. Baez has not previously sought an extension of time from this Court.

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Baez moved for a certificate of appealability in the Eleventh Circuit Court of Appeals in Eleventh Circuit Case No.18-15174. The basis for his motion was the denial of his motion to vacate, set aside or correct his sentence pursuant to

28 U.S.C. § 2255, which alleged that 18 U.S.C. § 924(c)(3)(B) is unconstitutionally vague in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015) and the district court's denial of a certificate of appealability on that issue. The Eleventh Circuit denied his Motion on March 4, 2019. A copy of the Eleventh Circuit Order denying the motion is attached as Exhibit "A". Unless extended, the time within which Mr. Baez must file a petition for writ of certiorari will expire on June 3, 2019.

Undersigned counsel is requesting additional time because she is currently working diligently on a number of other pending cases in the district court that are set for trial in the next 30 days, including in *United States v. Yancey Barron*, S.D. Fla. District court case number 19-20066-CMA, which is set for trial on June 10, 2019 and *United States v. Aquarian Moore*, S.D. Fla. District court case number 19-20066-RLR, which is also set for trial on June 10, 2019.

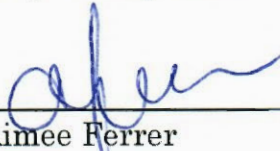
Undersigned counsel believes that additional time will be important for the effective representation of Mr. Baez. No party will be prejudiced by the granting of a 45 day extension.

[Section Left Blank Intentionally]

Accordingly, Petitioner respectfully requests that an order be entered extending the time to file a petition for writ of certiorari by 45 days, to and including July 18, 2019.

Respectfully submitted,

By:



Aimee Ferrer
Assistant Federal Public Defender
Florida Bar No. 17827
150 W. Flagler Street, Suite 1700
Miami, Florida 33130-1556
Tel: (305) 530-7000
Email: aimee_ferrer@fd.org

EXHIBIT "A"

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-15174-F

JORGE BAEZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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

ORDER:

Jorge Baez moves for a certificate of appealability in order to appeal the denial of his habeas corpus petition, filed pursuant to 28 U.S.C. § 2255. His motion is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

/s/ Stanley Marcus
UNITED STATES CIRCUIT JUDGE