

No. 17-50313

IN THE SUPREME COURT OF THE UNITED STATES
October Term 2018

Maria Hernandez,
Applicant

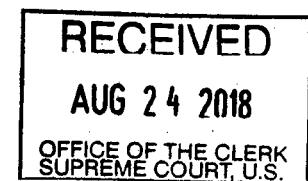
v.

United States of America,

Defendant

APPLICATION FOR AN EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH
CIRCUIT

FILED PRO SE



Application for Extension of Time to File Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

To the Honorable Justice Samuel A. Alito, Jr. of the Fifth Circuit Court of Appeals:

Petitioner, Maria Hernandez, requests an extension of time to file her Petition for Writ of Certiorari. She respectfully requests a full 60-day extension. The final denial of petition of rehearing by the Fifth Circuit was entered on June 4, 2018, and is attached here as exhibit 1. The date to submit our Petition for Writ of Certiorari will expire, then, on Sunday, September 2, 2018. This application is being filed on or around August 21, 2018, well before the 10 day-deadline to request an extension.

Petitioner requests the extension due to her former counsel, George Trejo, withdrawing from the case. She learned of this situation on or around July 26, 2018 and has been diligently pursuing alternative options, including the ACLU. *See* exhibit 2. Petitioner believes that she will have time to both find a new attorney and submit the Writ of Certiorari if given the full 60-day extension.

This case raises two issues of national importance regarding the interpretation of 28 USC §2513. As noted by the Fifth Circuit's original decision, there has been little case law defining the contours of the statute. Further, in the context of post-conviction relief, it is important to take into consideration the full implications and potential meanings of the requirements of §2513, especially in cases where the petitioner has time and again proven that there was not enough evidence to convict her, and therefore, would have been found not guilty as she is, in fact.

I am attaching copies of the denial of the rehearing order and the previous Fifth Circuit decision addressing the legal claims. *See* exhibit 3.

Respectfully submitted,

Maria Hernandez
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CERTIFICATE OF SERVICE

ON AUGUST 20th, 2018, I, MARIA HERNANDEZ, DELIVERED TO THE FOLLOWING A FULL AND COMPLETE COPY OF THIS EXTENSION REQUEST VIA FIRST-CLASS MAIL.

Joseph H. Gay, Jr.
Amber Glascock
Susan O'Neal
Assistant U.S. Attorneys
601 N.W. Loop 410, Ste 600
San Antonio, TX 78216



Maria Hernandez

8-20-18
Date