

IN THE SUPREME COURT
OF THE UNITED STATES

ANTISTENES TORRES,

v.

UNITED STATES OF AMERICA,

Respondent

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Eleventh Circuit Appeal No.:
18-12637-J
District Court Docket No.:
1:17-cv-20623-RNS
Secondary Case No.:
1:16-cr-20562-RNS-2

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APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI
(Sup. Ct. R. 13.5)

RELIEF SOUGHT

I, Antistenes Torres, Petitioner, pro se, on behalf of himself, requests that the Justice for the Eleventh Circuit, extend the time for filing a petition for writ of certiorari of the United States Court of Appeals for the Eleventh Circuit in the matter of Torres v. United States of America, Appeal Number 18-12637-J, for an additional period of sixty days, or the number of days the Honorable Justice deems appropriate.

GROUND FOR RELIEF

Judgments Below

The United States District Court for the Southern District of Florida sentenced Petitioner on November 22, 2016 as to Counts 1 and 2, "Conspiracy and substantive possession with intent to distribute Cocaine while aboard a vessel subject to the jurisdiction of the United States in violation of § 70503(a)(1) and § 70506 (b) of the United States Code, Title 46."

On February 13, 2016, Petitioner timely filed a Motion to

Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255(f)(1). Subsequently, the Government filed its Response and Petitioner timely filed his Reply. The District Court, then, referred the case to the Magistrate Judge for a Report and Recommendation (R&R), which was filed on March 9, 2018. Petitioner filed substantial objections to the Magistrate's R&R. However, on March 27, 2018, the District Court ordered adoption of the Magistrate's R&R denying Petitioner's Motion to Vacate, denied a Certificate of Appealability, and failed to order an Evidentiary Hearing. The case was ordered closed. (See Appendix Two)

On April 30, 2018, Petitioner filed a Motion to Alter or Amend Judgment under Federal Rules of Civil Procedure Rule 59(e). This Motion was denied by the District Court on May 11, 2018. (See Appx. Three) The denial of the Certificate of Appealability was reiterated. The application for said Certificate was not opposed by the Government.

On June 18, 2018, Petitioner gave Notice of Appeal to the United States Court of Appeals for the Eleventh Circuit. The Appeals Court denied a Certificate of Appealability on October 4, 2018. In the same order, the Appeals Court denied Petitioner's Motion to Proceed In Forma Pauperis as moot. (See Appx. Four)

Jurisdiction

The Supreme Court of the United States will have jurisdiction over this matter because 28 U.S.C. § 1254(1) gives the Court jurisdiction over an appeal of a final judgment of a United

States Court of Appeals.

Reasons Why Relief From Time Limit Needed

Under Supreme Court Rule 13.1, time for filing of a Petition for Writ of Certiorari in this matter will expire on January 2, 2019. While the Court's Rules generously grant 90 days time limit for filing application for a writ of certiorari from the date of the final order from a lower court which Petitioner wishes the Court to consider on review, the Petitioner lost 34 days while housed in the Secure Housing Unit (SHU) on a disciplinary order from October 24, 2018 through November 26, 2018. The findings of the Disiplinary Hearing exonerated the Petitioner of all charges but the time lost cannot be regained. (See Appx. One)

In addition, the time remaining in the month of December can present more time loss in terms of access to legal materials and typewriters necessary for preparing a writ of certiorari because of holiday closings of the Law Library due to staff shortages.

For the above reasons, Petitioner respectfully requests an extention of time to prepare and file a writ of certiorari in this case.

December 20, 2018
Date

Antistenes Torres
Antistenes Torres, pro se
Reg. No. 09374-104