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In The  
SUPREME COURT OF THE UNITED STATES  
October Term 2018

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ROY ALLEN GREEN,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**Application for an Extension of Time To File  
a Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Third Circuit**

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**APPLICATION TO THE HONORABLE  
SAMUEL A. ALITO, JR., AS CIRCUIT JUSTICE**

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January 29, 2019

## **PARTIES TO THE PROCEEDINGS**

The petitioner herein, who was the defendant-appellant below, is Roy Allen Green.

The respondent herein, which was the appellee below, is the United States of America.

## **APPLICATION FOR EXTENSION OF TIME**

Pursuant to Rule 13.5 of the Rules of this Court, the applicant-petitioner herein requests a 30-day extension of time within which to file a petition for a writ of certiorari, to and including March 8, 2019.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is the decision of the U.S. Court of Appeals for the Third Circuit in the related case captioned *United States v. Green* (No. 17-2906). A copy of the decision is attached as an exhibit to this application.

### **JURISDICTION**

The Third Circuit entered judgment in this case on November 8, 2018. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, the current deadline for the filing of a petition for a writ of certiorari in this case is February 6, 2019. This Court will have jurisdiction over any timely filed petition pursuant to 28 U.S.C. § 1254(1).

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

The requested extension is warranted in light of petitioner's current place of incarceration and counsel's pending obligations before the federal judiciary. The petitioner is represented by the Federal Public Defender's Office of the Middle District of Pennsylvania pursuant to judicial appointment. The petitioner is, however, presently incarcerated in a state facility in Marquette Branch Prison in Marquette, Michigan. This has rendered communication between counsel and client more time-consuming than normal, and delayed preparation and completion of a petition for a writ of certiorari.

In addition, undersigned counsel has the following obligations before the federal judiciary: *Taylor v. Mahally*, No. 1:18-CV-00910, habeas corpus traverse due February 1, 2019; *United States v. Parks*, No. 18-2915, Brief of Appellant due February 5, 2019; *United States v. McMillan*, No. 18-3165, Reply Brief of Appellant due February 7, 2019; *United States v. Powell*, No. 18-3626, Brief of Appellant due February 7, 2019; *United States v. Lawson*, No. 18-3703, Brief of Appellant due February 11, 2019; and *United States v. Peppers*, No. 19-1021, Brief of Appellant due February 21, 2019.

Further, within counsel has been appointed to represent all of the defendants within the Middle District of Pennsylvania who are eligible for a new sentencing based on Section 404 of the First Step Act of 2018.

These obligations will make it difficult for counsel to finalize and file a satisfactory petition by the current deadline, despite counsel's diligent efforts to do so.

To provide undersigned counsel with adequate time to review the record in this case, thoroughly analyze applicable law, and prepare a petition for a writ of certiorari that will assist this Court in resolving this matter, a 30-day extension of the period for filing a petition is appropriate.

## CONCLUSION

For the foregoing reasons, the applicant-petitioner respectfully requests that this Court grant a 30-day extension, to and including March 8, 2019, in which to file a petition for a writ of certiorari.

Dated: January 29, 2019

Respectfully submitted,

HEIDI R. FREESE, ESQ.  
Federal Public Defender

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## CERTIFICATE OF SERVICE

I, Frederick W. Ulrich, do hereby certify that, on this 29th day of January, 2019, I caused copies of this Application for Extension of Time to be served on the following parties by first-class mail, postage pre-paid:

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January 29, 2019

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