

IN THE SUPREME COURT OF THE UNITED STATES

DONTE ISLAND,
Petitioner

VS. : **No. _____**

UNITED STATES OF AMERICA :

APPLICATION FOR EXTENSION OF TIME
FOR FILING PETITION FOR WRIT OF CERTIORARI

Keith M. Donoghue, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30-day extension of time for filing of a petition for writ of certiorari, and in support represents as follows:

1. Petitioner Donte Island appeared on December 13, 2017, before Honorable Jan E. DuBois for violation(s) of supervised release. Mr. Island was found to be in violation, his supervised release was revoked, and he was committed to the custody of the Bureau of Prisons for a period of 24 months consecutive to any sentence imposed in state court, with no supervised release to follow. On December 27, 2017, Mr. Island filed a timely notice of appeal. Following briefing, the Third Circuit affirmed on February 26, 2019, the judgment of the district court. (Appendix “A”).

2. On April 11, 2019, Mr. Island filed with the Third Circuit a petition for panel rehearing and/or rehearing en banc pursuant to Fed. R. App. P. 35(b) and 40(a). The petition was denied on May 10, 2019. (Appendix “B”). Pursuant to Rule 13.1, Mr. Island’s petition for writ of certiorari is presently due on August 8, 2019.

3. Counsel has been unable to complete the petition given that he has been occupied with promptly filing, on July 13, 2019, a supplemental brief in *United States v. Malik Nasir*, Third Circuit No. 18-2888, in order to avoid waiver of a claim pursuant to an intervening change of law announced in *Rehaif v. United States*, 139 S. Ct. 2191 (June 21, 2019); and the opening brief and joint appendix in *United States v. Kareem Murphy*, Third Circuit No. 18-3608, filed on July 3, 2019. In addition, counsel is reviewing and/or preparing briefing in additional matters before the Third Circuit.

4. Counsel respectfully requests an additional 30 days in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Keith M. Donoghue, Assistant Federal Defender, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of Donte Island, Petitioner, respectfully requests that this Court grant this motion for a 30-day extension of time for filing of a petition for writ of certiorari.

Respectfully submitted,

/s/ Keith M. Donoghue
KEITH M. DONOGHUE
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Research and Writing Attorney

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CERTIFICATE OF SERVICE

I, Keith M. Donoghue, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have electronically filed this *Application for Extension of Time for Filing Petition for Writ of Certiorari* through the Electronic Filing System (EFS) of the Supreme Court of the United States and served copies upon Assistant United States Attorney Bernadette McKeon, by hand delivery to her office located at 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and upon Noel Francisco, Solicitor General of the United States, by first class U.S. mail addressed to United States Department of Justice, Room 5614, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

/s/ Keith M. Donoghue
KEITH M. DONOGHUE

Dated: July 23, 2019