

IN THE SUPREME COURT OF THE UNITED STATES
CASE NO. _____

WILLIE SNEED,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

**MOTION FOR EXTENSION OF TIME FOR THE FILING OF
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

PETITIONER, Willie Sneed, through undersigned counsel, respectfully moves for an extension of sixty (60) days to prepare and file his Petition for Writ of Certiorari to the order of the United States Court of Appeals for the Third Circuit, *Sneed v. Sec'y Pa. Dept. of Corr.*, D.C. Civ. No. 2-06-cv-05328, dated June 5, 2019 (Appendix A). In support thereof, Petitioner respectfully submits as follows:

1. This is a habeas corpus case brought by a Pennsylvania state prisoner serving a sentence of life without parole. The United States District Court denied relief on all of Petitioner's claims and denied a certificate of appealability. Petitioner appealed, and the Third Circuit affirmed.

2. Petitioner, through undersigned counsel, wishes to file a Petition for Writ of Certiorari and to seek this Court's review of that decision.

3. Petitioner's counsel cannot meaningfully prepare a professionally appropriate Petition by its current due date of September 3, 2019. Counsel is a member of a defender

services office responsible for numerous capital cases that have competing deadlines, including statutory deadlines, in various federal and state courts this winter. Given several pressing circumstances, Petitioner cannot meaningfully prepare a professionally appropriate Petition by its current due date.

4. Under these circumstances, the undersigned most respectfully requests that the Court grant this Motion and extend the date on which to file the Petition for Writ of Certiorari by sixty (60) days, from September 3, 2019, to November 4, 2019.

5. This request is made more than ten (10) days prior to the filing deadline herein and is timely.

6. The granting of this request shall cause no prejudice to the Commonwealth.

7. This request is made in good faith and is not predicated on intent to delay.

WHEREFORE, Petitioner prays that the Court allow a sixty (60) day extension for the preparation and filing of his Petition for Writ of Certiorari.

Respectfully submitted,

KERRY GERACE LEVY*
Pa. Bar No. 31539
Federal Community Defender
Eastern District of Pennsylvania
Capital Habeas Corpus Unit
Suite 545 West – The Curtis Center
Independence Square West
Philadelphia, PA 19106
(215) 928-0520

Counsel for Petitioner, Willie Sneed
* member of the bar of this Court

Dated: August 19, 2019

CERTIFICATE OF SERVICE

I, Kerry Gerace Levy, certify that on this date, I caused a copy of the foregoing *Motion for Extension of Time for the Filing of Petition for Writ of Certiorari* to be served by FIRST CLASS MAIL upon the following person:

Max Kaufmann, Esquire
Federal Litigation Unit
Office of the Philadelphia District Attorney
3 Penn Square South
Philadelphia PA 19107

/s/ Kerry G. Levy
Kerry G. Levy

Dated: August 19, 2019

APPENDIX

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

June 5, 2019

Victor J. Abreu Jr.
Federal Community Defender Office for the Eastern District of Pennsylvania
601 Walnut Street
The Curtis Center, Suite 545 West
Philadelphia, PA 19106

Max C. Kaufman
Philadelphia County Office of District Attorney
3 South Penn Square
Philadelphia, PA 19107

RE: Willie Sneed v. Secretary Pennsylvania Depart, et al
Case Number: 18-9006
District Court Case Number: 2-06-cv-05328

ENTRY OF JUDGMENT

Today, **June 05, 2019** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App.

P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Aina, Legal Assistant
Direct Dial: 267-299-4957

ELD-010

May 29, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **18-9006**

WILLIAM EDWARD SNEED, Appellant

v.

SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
SUPERINTENDENT GREENE SCI

(E.D. Pa. Civ. No. 06-cv-05328)

Present: AMBRO, CHAGARES and HARDIMAN, Circuit Judges

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

O R D E R

The foregoing application for a certificate of appealability is denied. Sneed has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000). In particular, jurists of reason would agree with the District Court's conclusion that his trial counsel did not render ineffective assistance by failing to challenge the prosecution's peremptory challenges as discriminatory. See Sistrunk v. Vaughn, 96 F.3d 666, 670-71 (3d Cir. 1996); see also Strickland v. Washington, 466 U.S. 668, 687 (1984). Even assuming that counsel understood the prosecutor's strikes to be unfair, counsel could have reasonably determined that they were not actionable at that time in the absence of evidence of systemic discrimination. See id. at 671; Wiley v. Puckett, 969 F.2d 86, 102 (5th Cir. 1992); Horne v. Trickey, 895 F.2d 497, 499-500 (8th Cir. 1990). Furthermore, jurists of reason would agree that Sneed's counsel did not perform unreasonably by failing to raise

(Continued)

ELD-010

Page 2

William Edward Sneed v. Sec. PA Dept. of Corr., et al.
C.A. No. 18-9006

O R D E R

a claim on direct appeal pursuant to Batson v. Kentucky, 476 U.S. 79 (1986). See Strickland, 466 U.S. at 687. A Batson claim would have been barred because Sneed failed to contemporaneously object to the prosecution's use of peremptory challenges or to the racial composition of the jury. See Abu-Jamal v. Horn, 520 F.3d 272, 280-81 (3d Cir. 2008), vacated on other grounds sub nom. Beard v. Abu-Jamal, 558 U.S. 1143 (2010). Therefore, Sneed cannot make a substantial showing that he was prejudiced by counsel's performance on appeal.

By the Court,

s/Thomas L. Ambro, Circuit Judge

Dated: June 5, 2019
ARR/cc: VJA; MCK



A True Copy:

Patricia S. Dodsweit, Clerk
Certified Order Issued in Lieu of Mandate