

No. \_\_\_\_ - \_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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SEAN GREGORY MITCHELL,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**APPLICATION FOR EXTENSION OF TIME IN WHICH TO  
FILE PETITION FOR WRIT OF CERTIORARI**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Fourth Circuit.

Petitioner, by his attorney, respectfully makes application pursuant to Supreme Court Rule 13.5 and Rule 22 to extend the time in which to file a petition for writ of certiorari from the judgment entered by the United States Court of Appeals for the Fourth Circuit. In support thereof, counsel states the following:

1. Petitioner Sean Mitchell was convicted in federal court of possessing a firearm as a prohibited person under 18 U.S.C. § 922(g)(1). The district court sentenced Mr. Mitchell to serve a mandatory minimum sentence of 180 months in prison under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e).

2. On appeal, the Fourth Circuit affirmed, concluding that the district court did not err in concluding that Mr. Mitchell's prior convictions constitute "violent felonies" under the ACCA.

3. The Fourth Circuit issued its decision on July 31, 2019. This Court has jurisdiction over Mr. Mitchell's case pursuant to 28 U.S.C. § 1254(1). His petition for a writ of certiorari is due on October 29, 2019.

4. The appellate attorney assigned to this case, Caroline S. Platt, recently has had or soon will have the following filings (in the U.S. Court of Appeals for the Fourth Circuit unless otherwise noted): a reply in support of certiorari in this Court in *United States v. Trenton Birchette*, No. 17-4450, on August 21, 2019; the opening brief and joint appendix in *United States v. Craig Pulley*, No. 19-4273, on September 6, 2019; a petition for rehearing en banc in *United States v. Billy Curry*, No. 18-4233, on September 19, 2019 (motion for extension of time pending); the opening brief and joint appendix in *United States v. Lawrence Jordan*, No. 19-4426, on September 30, 2016; the opening brief and joint appendix in *United States v. Linaldo Martinez Hernandez*, No. 19-4395, on October 7, 2019; the opening brief and joint appendix in *United States v. Alhakka Campbell*, No. 19-4298, arising from a multi-day jury trial, on October 15, 2019; and the reply briefs in *Pulley*, *Jordan*, *Martinez-Hernandez*, and *Campbell*, *supra*.

5. Ms. Platt is scheduled to present oral argument to the Fourth Circuit on September 20, 2019, and October 30, 2019.

6. In light of appellate counsel's oral argument schedule, briefing deadlines, and other obligations, counsel for Mr. Mitchell request an extension of sixty days, from October 29, 2019, to December 28, 2019, in which to file the petition for writ of certiorari in Mr. Mitchell's case.

Wherefore, Petitioner prays that this application be granted.

Respectfully submitted,

GEREMY C. KAMENS  
Federal Public Defender  
for the Eastern District of Virginia



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