

NO:  
IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2019

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DANIEL PYE,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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APPLICATION FOR EXTENSION OF TIME  
TO FILE A PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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TO THE HONORABLE CLARENCE THOMAS,  
ASSOCIATE JUSTICE OF THE SUPREME COURT  
OF THE UNITED STATES AND CIRCUIT  
JUSTICE FOR THE ELEVENTH CIRCUIT

MICHAEL CARUSO  
Federal Public Defender  
Tracy Dreispul  
Assistant Federal Public Defender  
Counsel for Petitioner  
150 West Flagler Street, Suite 1500  
Miami, Florida 33130-1555  
Telephone (305) 536-6900

## **INTERESTED PARTIES**

There are no parties to the proceeding other than those named in the caption of the case.

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Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Applicant Daniel Pye respectfully requests a sixty-day extension of time, up to and including January 25, 2020, within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit.

**Basis for Jurisdiction**

1. Applicant Daniel Pye was convicted after a jury trial, of three counts of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with minors, in violation of § 2423(b). (DE 13, 82) The United States District Court for the Southern District of Florida had original jurisdiction over this criminal

action pursuant to 18 U.S.C. § 3231. On January 17, 2018, Mr. Pye was sentenced to 480 months' imprisonment by the district court. (DE 115).

2. An appeal from the district court's final judgment and sentence proceeded for review by the United States Court of Appeals for the Eleventh Circuit, in accordance with 18 U.S.C. § 3742 and 28 U.S.C. § 1291. On June 21, 2019, the Eleventh Circuit issued an unpublished affirming Mr. Pye's conviction and sentence of imprisonment, but vacating a special assessment imposed by the district court. *See United States v. Pye*, No. 18-1027 2019 WL 2564070 (11th Cir. June 21, 2019) (attached hereto as Appendix A).

3. Mr. Pye filed a timely petition for rehearing, which was denied on August 28, 2019 (attached hereto as Appendix B). This Court's jurisdiction may be invoked by the timely filing of a petition for certiorari within 90 days of August 28, 2019. *See* 28 U.S.C. § 1254(1); S. Ct. R. 13.1.

### **Judgment To Be Reviewed**

4. Mr. Pye seeks review of the decision of the United States Court of Appeals for the Eleventh Circuit, issued on June 21, 2019. *See United States v. Pye*, No. 18-1027 2019 WL 2564070 (11th Cir. June 21, 2019) (Appendix A).

### **Reasons for Granting the Extension**

5. This case raises important questions of Federal law about the scope of the government's disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150, 153-54 (1972)). It will additionally ask whether the Eleventh Circuit committed significant procedural error, and broke

ground with all known precedents, when it recalculated Mr. Pye's guidelines – *from scratch* – on appeal.

6. Mr. Pye's petition for certiorari is due, pursuant to Sup. Ct. R. 13.3, November 26, 2019.

7. The undersigned counsel is respectfully seeking additional time in which to file Mr. Pye's petition due to numerous other professional obligations, including the filing of appellate briefs, preparation for oral argument before the Eleventh Circuit, and preparation for a contested hearing in the District Court pursuant to the First Step Act of 2018. *See United States v. Stevens*, No. 19-12858 (11th Cir. 2019) (initial brief due Nov. 18, 2019); *United States v. Perez*, No. 17-14136 (11th Cir. 2017) (oral argument to be held Nov. 20, 2019); *United States v. Scales*, 1:95-cr-00605-PAS-4 (S.D. Fl. Sept. 18, 2019) (hearing pursuant to the First Step Act of 2018, to be held November 26, 2019); *United States v. Findley*, No. 18-14204 (11th Cir. 2019) (reply brief due Nov. 29, 2019).

8. The undersigned is therefore requesting additional time in order to effectively present Mr. Pye's case to this Court.

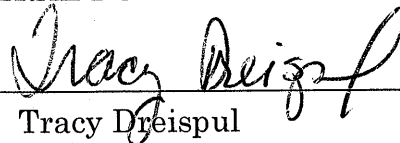
9. No party will be prejudiced by the granting of a sixty-day extension.

10. Wherefore, Mr. Pye respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including January 25, 2020.

Respectfully submitted,

MICHAEL CARUSO  
FEDERAL PUBLIC DEFENDER

By: \_\_\_\_\_



Tracy Dreispul

Assistant Federal Public Defender

*Counsel of Record*

Florida Bar No. 0634621

150 West Flagler Street, Suite 1500

Miami, Florida 33130

Telephone No. (305) 536-6900

tracy\_dreispul@fd.org

November 12, 2019