

NO:
IN THE
SUPREME COURT OF THE UNITED STATES

RAMON ACOSTA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

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

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

JANICE L. BERGMANN
Assistant Federal Public Defender
Counsel for Petitioner
One E. Broward Blvd., Suite 1100
Fort Lauderdale, Florida 33301-1100
Telephone: (954) 356-7436
Janice_Bergmann@fd.org

INTERESTED PARTIES

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

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

RAMON ACOSTA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

Pursuant to Rules 13.5, 22, and 30.3 of the Rules of the Supreme Court of the United States, Ramon Acosta respectfully requests a sixty-day extension of time, to and including May 15, 2020, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit in Case No. 19-12057. Mr. Acosta has not previously sought an extension of time.

Basis for Jurisdiction

The district court had jurisdiction of this case pursuant to 28 U.S.C. § 2255 when Mr. Acosta filed a motion to vacate, set aside, or correct sentence arguing that

his counsel rendered ineffective assistance when he failed to advise Mr. Acosta of the extent of the government's evidence and therefore Mr. Acosta could not make an informed decision whether the plead guilty or go to trial. On March 31, 2019, the district court denied Mr. Acosta's motion, disposing of all the claims between the parties to this cause. The district court also denied a certificate of appealability.

On May 23, 2019, Mr. Diez timely appealed the dismissal of his § 2255 motion to the United States Court of Appeals for the Eleventh Circuit pursuant to 28 U.S.C. §§ 1291 and 2253, and moved for a certificate of appealability. On January 3, 2020, the Court of Appeals denied a certificate of appealability.

Mr. Acosta is filing this Application at least ten days before the filing date, which is April 2, 2020. *See* S. Ct. R. 13.5. The jurisdiction of the Court will be invoked under 28 U.S.C. § 1254(1).

Judgment to be Reviewed and Opinions Below

The Eleventh Circuit's order denying Mr. Acosta a certificate of appealability is unreported and is reproduced in the Appendix to this motion.

Reasons for Granting an Extension

Mr. Acosta respectfully requests an additional 60 days to file his petition for writ of certiorari for two reasons.

First, as of March 17, 2020, undersigned counsel's employer, the Office of the Federal Public Defender for the Southern District of Florida, is requiring all staff to telework from home due to the COVID-19 Coronavirus until further notice. This will

greatly complicate undersigned counsel's ability to research, draft, prepare for filing, and file the petition for writ of certiorari.

Second, Mr. Acosta respectfully requests additional time to file his certiorari petition due to the workload of undersigned counsel. Undersigned counsel has a petition for writ of certiorari due in this Court in *Martin Diez v. Secretary, Florida Department of Corrections*, due on April 6, 2020. This Court granted, vacated and remanded Mr. Diez's previous certiorari petition in light of *Wilson v. Sellers*, 584 U.S. ___, 138 S. Ct. 1188 (2018). *Diez v. Jones*, 139 S. Ct. 138 (Oct. 1, 2018) (Mem.) (No. 17-9248). The petition due on April 6th will seek review of the Eleventh Circuit's decision on remand reaffirming the denial of Mr. Diez's 28 U.S.C. § 2254 habeas corpus petition notwithstanding *Wilson*. Undersigned counsel also has a status report regarding ongoing DNA testing due in the United States District Court for the Southern District of Florida on March 31, 2020, in *Huntley Thompson v. Florida Dept. of Corr.*, S.D. Fla. No. 14-20471-Civ-Cooke, a DNA innocence case.

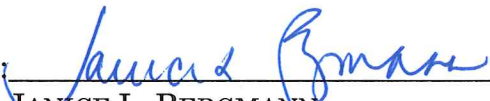
Mr. Acosta's certiorari petition is due on April 2, 2020. A sixty-day continuance would make the petition fall due on June 2, 2020. S. Ct. R. 30.1. This request is not for purposes of delay. Rather, undersigned counsel believes that additional time is needed to allow for the careful preparation of the petition for writ of certiorari in this matter. No party will be prejudiced by the grant of a sixty-day extension of time.

Relief Requested

WHEREFORE, Ramon Acosta respectfully asks this Honorable Court to grant him a sixty-day extension of time within which to file a Petition for Writ of Certiorari, to and including June 2, 2020.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

By: 
JANICE L. BERGMANN
Assistant Federal Public Defender
One East Broward Blvd., Suite 1100
Fort Lauderdale, Florida 33301
Telephone: (954) 356-7436
Janice_Bergmann@fd.org

Fort Lauderdale, Florida
March 16, 2020