

IN THE SUPREME COURT OF THE UNITED STATES

RAUL RODRIGUEZ, :

Petitioner

VS. : **No.** _____

UNITED STATES OF AMERICA :

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

Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, 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 a petition for writ of certiorari, and in support represents as follows:

1. Petitioner was charged by indictment in the United States District Court for the Eastern District of Pennsylvania with one count of Hobbs Act robbery, and aiding and abetting, in violation of 18 U.S.C. §§ 1951(a) and 2 (Count 1); and one count of using and carrying a firearm during a crime of violence, and aiding and abetting, in violation of 18 U.S.C. §§ 924(c) and 2 (Count 2). Petitioner entered a plea of guilty to both counts of the indictment and was sentenced on

February 22, 2018, to a term of imprisonment of 56 months on Count 1 and 84 months on Count 2, to be served consecutively.

2. The government filed notice of appeal and petitioner filed notice of cross-appeal.

3. On May 1, 2019, after briefing and oral argument, the Third Circuit issued a not-precedential opinion affirming both of the district court's rulings. (Appendix "A").

4. Pursuant to Rule 13.1, Mr. Rodriguez's petition for writ of certiorari is due on July 30, 2019.

5. Unforeseeable circumstances regrettably compel a request for an extension of time. Counsel was recently involved in an accident resulting in injuries requiring, among other things, a surgery scheduled for July 24, 2019. Counsel expects to be working a reduced schedule in the coming weeks, and will need additional time to complete the petition in this matter.

6. 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, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on

behalf of Raul Rodriguez, 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/ Brett G. Sweitzer

BRETT G. SWEITZER

Assistant Federal Defender

Chief of Appeals

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CERTIFICATE OF SERVICE

I, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have served a copy of this *Application for Extension of Time for Filing Petition for Writ of Certiorari* upon Assistant United States Attorney, Chief of Appeals Robert A. Zauzmer, by first class U.S. mail to his office located at 615 Chestnut Street, Suite 1250, Philadelphia, PA, 19106 and upon the Office of the Solicitor General, by first class U.S. mail, at Department of Justice, Room 5614, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

/s/ Brett G. Sweitzer

BRETT G. SWEITZER

Assistant Federal Defender
Chief of Appeals

Date: July 24, 2019