
No.

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2018

TONY LIPSCOMB,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court and Circuit Justice for the Seventh Circuit:

The Petitioner, TONY LIPSCOMB, respectfully requests, pursuant to Sup. Ct. R. 13.5 and 30, the issuance of an order extending the time for filing a petition for writ of certiorari from its present due date of September 19, 2019, to November 18, 2019. In support of this application, petitioner states as follows:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1).

2. Counsel was appointed pursuant to the Criminal Justice Act of 1964 (18 U.S.C. §3006A).

3. The final order of the Court of Appeals for the Seventh Circuit in this case is reported at *Klikno v. United States*, 928 F.3d 539 (7th Cir. 2019) and is attached to this motion.

4. The judgment sought to be reviewed was entered on June 21, 2019. No petition for rehearing was filed.

5. Petitioner's counsel is requesting an extension of time because he has not had adequate opportunity to develop the petitioner's issues for this Court. Petitioner's counsel has primary responsibility in his office for all post-conviction cases arising in the Northern District of Illinois as a result of this Court's decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015) and related cases. Currently, counsel has that responsibility for over 25 cases. These cases require extended research and analysis into difficult legal issues. Counsel has been especially busy as a result of this Court's recent decision in *United States v. Davis*, 139 S. Ct. 2319 (2019).

WHEREFORE, it is respectfully requested that an extension of time to file a petition for writ of certiorari be granted from the present due date of September 19, 2019, to November 18, 2019.

Dated August 29, 2019, at Chicago, Illinois.

Respectfully submitted,

Federal Defender Program
John F. Murphy,
Executive Director

By: s/ William H. Theis
William H. Theis
Counsel of Record
For the Petitioner

FEDERAL DEFENDER PROGRAM
55 E. Monroe Street, Suite 2800
Chicago, IL 60603
312/621-8300