

OCT 15 2019

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No. 19A

IN THE  
SUPREME COURT OF THE UNITED STATES

MICHAEL D. GOODWIN,

*Applicant,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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

APPLICATION TO  
THE HONORABLE JUSTICE  
SAMUEL A. ALITO, JR. AS CIRCUIT JUSTICE

Michael D. Goodwin  
803 Pingel Place  
Crown Point, IN 46307

October 15, 2019

Pro Se

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION**  
**FOR WRIT OF CERTIORARI**

To the Honorable Justice Samuel A. Alito, Jr. of the United States Court of Appeals for the Fifth Circuit:

1. Michael D. Goodwin, Applicant, requests a 60-day extension of time to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit below. Applicant requests an extension of time up to and including, Friday, December 27, 2019.
2. The United States Court of Appeals for the Fifth Circuit entered its final judgment on July 30, 2019. Attached is a copy of the judgment.
3. The time to file a petition for writ of certiorari will expire on October 28, 2019.
4. In accordance with Rule 13.5 of the Rules of this Court, this application is being filed more than 10 days before October 28, 2019.
5. This Court will have jurisdiction over any timely filed petition for writ certiorari in this case pursuant to 28 U.S.C. § 1254(1).
6. Applicant cannot afford to hire an attorney to file his petition for writ of certiorari.
7. Attorney Carrie Castro has agreed to serve as pro bono counsel for Applicant. Counsel filed an application for admission to the Bar of this Court on October 15, 2019. The admission process may take several weeks and counsel must have time to prepare the petition for writ of certiorari.
8. This case presents an important question regarding a federal defendant's Sixth Amendment right to counsel. The judgment of the Fifth Circuit Court of Appeals conflicts Supreme Court precedent of *Powell v. Alabama*, 287 U.S. 45 (1932), *Avery v. Alabama*,

308 U.S. 444 (1949), *Gideon v. Wainwright* 372 U.S. 335 (1963), *United States v Cronic*, 466 U.S. 648 (1984), *Strickland v Washington*, 466 U.S. 668 (1984), and *Childress v. Johnson*, 103 F.3d 1221 (1997).

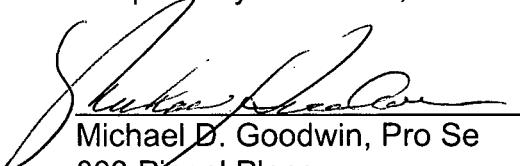
9. In this case, Defendant's attorney was absent from the district courtroom for defendant's re-arraignment and guilty plea, which are critical stages of the defendant's criminal proceedings. At evidentiary hearing, defendant's counsel testified that he didn't know why he was not in court.

10. Local counsel appeared in the district court as counsel for the defendant, however, local counsel testified and provided a written affidavit, that he had no attorney-client relationship with the defendant and that his legal representation and legal advice was confined to the defendant's wife, who was a co-defendant in the case and whose interests conflicted with those of the defendant. Local counsel failed to advise the district court of this conflict of interest between himself and the defendant. The district court, at a previous Rule 44 hearing, had informed the attorneys that it was their duty as an officer of the court to inform the district court if a conflict occurs.

11. For the stated reasons, Applicant requests that an order be entered extending the time to file a petition for certiorari to and including, Friday, December 27, 2019.

Date: Dec. 15, 2019

Respectfully submitted,



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