

No. _____

**In The
SUPREME COURT OF THE UNITED STATES**

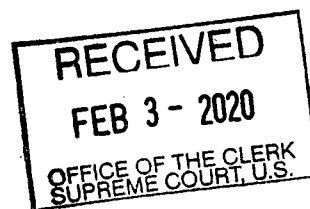
**Michael Harrison Lowman, Jr.,
Applicant/Petitioner**

v.

**United States of America,
Respondent**

**Application for an Extension of Time Within Which to File a
Petition for a Writ of Certiorari to the United States Court of
Appeals for the Fourth Circuit**

Wesley S. White
State Bar No. 43916
2300 E. 7th St. Suite 101
Charlotte, NC 28204
Telephone: (702) 824-1695
E-mail: wes@weswhitelaw.com
Counsel of Record for Petitioner



To the Honorable JOHN G. ROBERTS, JR., Chief Justice of the United States Supreme Court and Circuit Justice for the Fourth Circuit:

Applicant-Petitioner, Michael Harrison Lowman, Jr., respectfully request an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The deadline for applicant to file his petition is Tuesday, February 4, 2010, which is ninety days from November 6, 2009, the date when the Appeals Court for the Fourth Circuit issued its order dismissing Applicant's appeal of his sentence in District Court. For good cause set forth herein, Applicant asks that this deadline be extended by thirty (not sixty) days, so that the new deadline would be March 5, 2010.

BACKGROUND

This case arises from the Fourth Circuit's dismissal of Lowman's appeal from the District Court. On January 3, 2009, the District Court (Western District of North Carolina) sentenced the Petitioner to 300 months in prison, following his guilty plea to one count of sexual exploitation of a minor, (production), 18 U.S.C. §2251(a). In forming the sentence, however, the court relied on and accepted information proffered by the government which lacked reliability and fell short of the applicable standard of proof. The Petitioner argued on appeal that his sentence violated his right to due process.

The United States, however, filed a motion to dismiss the appeal, citing the Petitioner's waiver in his plea agreement. The Petitioner argued that the issue fell outside the scope of the plea agreement. The Fourth Circuit, however, ruled that

“Lowman knowingly and voluntarily waived his right to appeal and that the issue Lowman seeks to raise on appeal falls squarely within the compass of his waiver of appellate rights”, granted the government’s motion, and dismissed the appeal. The order granting the motion is attached herein as Exhibit A, and the Judgment, filed November 6, 2020, is attached as Exhibit B.

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before February 4, 2020. The application is being filed less than ten days before the time for filing the petition.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Fourth Circuit in this case, up to and including March 5, 2020.

1. Undersigned attorney for the applicant is not a member of the Supreme Court bar, but wishes to, and is going to file an application. He has secured one sponsoring attorney, but needs an additional sponsor.

2. Undersigned attorney also needs to receive a requesting "certificate of good standing" from North Carolina, which has been requested, but will not arrive prior to the petition deadline.
3. Undersigned counsel will be making his first writ of certiorari to this Honorable Court, and was initially misinformed as to the ninety-day deadline (that it runs from the date of the judgment and not the mandate), so that he initially thought the writ was due in March.
4. Undersigned counsel also erroneously believed the writ could be filed by him without him being a member of the bar, or without his bar application pending. He called the clerk and was informed that he cannot.
5. Much or most of the work on the substance of the writ petition is completed, but with a thirty-day extension, undersigned counsel, in good faith, believes he will be able to have his bar application approved, in order to properly facilitate the filing of the writ.
6. The extension rule allows up to 60 days, but only 30 days is being requested, in good faith, and not for any purpose of delay or obstruction.

///

///

///

CONCLUSION

For the foregoing reasons, applicant respectfully requests that this Court grant an extension of 30 days, up to and including March 5, 2020.

Respectfully Submitted,

January 31, 2020

/s/ Wesley S. White

Wesley S. White

State Bar No. 43916

2300 E. 7th St. Suite 101

Charlotte, NC 28204

Telephone: (702) 824-1695

E-mail: wes@weswhitelaw.com