

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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MELCHOR MUNOZ,  
*Petitioner,*

v.

RICKY D. DIXON,  
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,  
*Respondent.*

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ON PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT  
COURT OF APPEALS

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

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Counsel for the Petitioner

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

### **Introduction**

Pursuant to this Court’s Rule 13.5, the Petitioner, Melchor Munoz, respectfully requests a thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including March 9, 2022.

### **Jurisdiction**

The order of the Eleventh Circuit Court of Appeals affirming the dismissal of the Petitioner’s 28 U.S.C. § 2255 petition was entered on October 12, 2021. The order on the motion for rehearing and the substituted/amended opinion of the Eleventh Circuit Court of Appeals affirming the dismissal of the Petitioner’s 28 U.S.C. § 2255 petition were entered on November 8, 2021. Unless extended, the time within which to file a petition for a writ of certiorari would expire on February 7, 2022.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). Copies of the substituted/amended opinion of the Eleventh Circuit Court of Appeals and the rehearing order are included in the appendix to this motion.

### **Argument**

The issue in this case is whether the court of appeals improperly affirmed the dismissal of the Petitioner’s 28 U.S.C. § 2255 petition/motion to vacate in which the Petitioner argued that his guilty plea was involuntary and/or defense counsel rendered

ineffective assistance of counsel by misadvising the Petitioner regarding the impact that the conviction in this case would have on his citizenship.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the next month, undersigned counsel will be attending one oral argument before a Florida appellate court, one postconviction evidentiary hearing before a Florida circuit court, one in-person Florida Bar committee meeting, multiple video conference Florida Bar committee meetings, and will be out of his office for a period of time while traveling with his family.<sup>1</sup>

Additionally, since the Eleventh Circuit Court of Appeals entered the substituted opinion and the order denying the motion for rehearing in this case, undersigned counsel has participated in one resentencing hearing and one postconviction evidentiary hearing before Florida circuit courts, participated in three Florida Bar committee meetings (via video conference), and was out of his office while traveling with his family during the holiday season.

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<sup>1</sup> Undersigned counsel will appear at an oral argument on February 8, 2022, for *Caesar v. State*, case number 1D20-2956, pending before the Florida First District Court of Appeal. Undersigned counsel will appear at a postconviction evidentiary hearing on February 24, 2022, in *State v. McCann*, case number 2014-CF-1226, pending before the Florida Twentieth Judicial Circuit Court (Collier County). Undersigned counsel will attend a meeting in Orlando, Florida on January 27-28, 2022, of the Executive Council of the Criminal Law Section of The Florida Bar. Undersigned counsel will attend a video conference meeting on January 28, 2022, of the Rules of General Practice and Judicial Administration Committee. Undersigned counsel will attend a video conference meeting on February 18, 2022, of the CLE Committee of the Criminal Law Section of The Florida Bar. Finally, undersigned counsel will be traveling with his family on February 10-11, 2022.

Therefore, the Petitioner requests an extension of thirty days to file the petition for a writ of certiorari. No party will be prejudiced by the granting of a thirty-day extension in this case.

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by thirty days.

Respectfully submitted,

/s/ Michael Ufferman  
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Counsel for the Petitioner

## CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 21st day of January, 2022, a copy of this Application For Extension of Time To File A Petition For A Writ Of Certiorari in the above-entitled case was mailed, first class postage prepaid, to the Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman  
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