

No.

In the Supreme Court of the United States

MEDARDO QUEG SANTOS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Application for Extension of Time to File
Petition for a Writ of Certiorari to the United
States Court of Appeals for the Eleventh Circuit**

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

THOMAS A. BURNS

Counsel of Record

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Counsel for Petitioner

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

Petitioner, Dr. Medardo Queg Santos, through undersigned counsel and pursuant to Supreme Court Rules 13.5 and 30, respectfully applies to Associate Justice Thomas as Circuit Justice for the United States Court of Appeals for the Eleventh Circuit and request a 60-day extension of time from March 21, 2022 until May 20, 2022 to file his petition for a writ of certiorari.

1. On December 21, 2021, the Eleventh Circuit affirmed the Petitioner's conviction and sentence in *United States v. Duldulao*, No. 20-13973 (11th Cir.). A copy of the Eleventh Circuit's opinion is attached hereto as Exhibit A. *See* Sup. Ct. R. 13.5.

2. Petitioner didn't petition for panel rehearing or rehearing *en banc* in the Eleventh Circuit. *See* Sup. Ct. R. 13.5. Accordingly, Petitioner's petition for a writ of certiorari is currently due filed in this Court 90 days after December 21, 2021 on March 21, 2022. *See* Sup. Ct. R. 30.1.

3. Counsel is a solo practitioner with a heavy caseload and requires additional time to prepare the petition for a writ of certiorari. Additionally, this case involves an extensive record and complicated legal issues.¹

¹ The record in this appeal is extensive. It arose from a 15-day jury trial, after which Petitioner (a pain physician) was convicted of writing prescriptions for opioids for no legitimate medical purpose or outside the usual course of professional practice. There are over 550 docket entries, thousands of pages of transcripts, and hundreds of documentary exhibits. Additionally, the certiorari petition will address a similar issue that the Court is already considering in *Ruan v. United States*, No. 20-1410 (S. Ct.) (argued March 1, 2022); it will also address a circuit split regarding the standard of proof (preponderance or clear-and-convincing evidence) that controls at sentencing when relevant conduct has a wag-the-dog effect on guidelines calculations.

WHEREFORE, the Court should grant Petitioner a 60-day extension of time from March 21, 2022 until May 20, 2022 to file his petition for a writ of certiorari.

March 2, 2022

Respectfully submitted,

/s/ Thomas Burns

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, March 2, 2022, as required by Supreme Court Rule 29, I have served the enclosed Application For Extension Of Time To File Petition For A Writ Of Certiorari on each party to the above proceeding or that party's counsel, and on every other person required to be served, via email and by depositing an envelope containing the above document in the U.S. mail properly addressed to each of them and with first-class postage prepaid. The names and addresses of those served are as follows:

Solicitor General of the United States
Department of Justice, Room 5614
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
supremectbriefs@usdoj.gov

March 2, 2022

/s/ Thomas Burns
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