

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

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IN THE  
SUPREME COURT OF THE UNITED STATES

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ISIAH PIERCE,

Petitioner,

v.

UNITED STATES,

Respondent.

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APPLICATION FOR AN EXTENSION OF TIME  
TO FILE PETITION FOR A WRIT OF *CERTIORARI*  
TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit Court of Appeals:

Petitioner Isiah Pierce prays for an extension of time within which to file a petition for a writ of *certiorari* until March 18, 2022:

1. The decision of the United States Court of Appeals for the Second Circuit affirming the judgment of conviction as to petitioner was dated and entered on September 20, 2021. A timely petition for rehearing was denied by the Court of Appeals on October 19, 2021. Under Rule 13.1 of the Rules of this Court, a petition for *certiorari* would ordinarily be due on or before January 17, 2022. Petitioner respectfully seeks a 60-day extension from January 17 until March 18, 2022.

2. A copy of the Second Circuit's published opinion, dated September 20, 2021, is attached. *United States v. Willis (Isiah Pierce)*, Nos. 18-3617-cr, 19-1051-cr, 14 F.4<sup>th</sup> 170 (2d Cir. 2021). A copy of the Second Circuit's denial of a petition for rehearing is also attached. *United States v. Willis, supra*, at Circuit Docket # 253 (Oct. 19, 2021). Undersigned counsel was appointed in the case by the Second Circuit under the Criminal Justice Act ("CJA").

3. The Court will have jurisdiction over a timely petition under 28 U.S.C. § 1254(1).

4. Undersigned counsel is examining two questions: One, the denial of petitioner's insufficiency claim based on circumstantial evidence of dominion over a drug house showing no more than fleeting presence in equipoise with at least one other. Second, the unusual refusal of the Court below to rule on petitioner's ineffective assistance of counsel claim and to force him to file a pro se motion under 28 U.S.C. § 2255 on the basis of an insufficiently developed record when his ineffective assistance claim had been briefed at length and decided in a written opinion in post-trial motions in the district court.

5. Undersigned counsel believes this is a potentially viable petition that should be presented with care. However, counsel has a series of conflicts both professional and personal that prevent proper care. In particular, counsel has been undergoing a series of chemotherapy and surgical procedures expected to last well into February, including the week before the deadline here. Counsel also has additional deadlines of a less burdensome nature in the Court below that he intends to meet but respectfully it would be most difficult to satisfy the current deadline in this case with the proper care and thoughtfulness expected of a petition for certiorari.

## CONCLUSION

For these reasons, petitioner respectfully requests the Court to issue an order granting the application for an extension until March 18, 2022 to file a petition for *certiorari*.

Dated: January 3, 2022

Respectfully submitted,

*Robert A. Culp*

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for Petitioner Isiah Pierce