

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

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IN THE SUPREME COURT OF THE UNITED STATES

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DAVID GREEN,  
*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, David Green, 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 June 10, 2022.

### **Jurisdiction**

The order of the Eleventh Circuit Court of Appeals affirming the denial of the Petitioner's 28 U.S.C. § 2254 petition was entered on February 10, 2022. Unless extended, the time within which to file a petition for a writ of certiorari would expire on May 11, 2022.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). A copy of the opinion of the Eleventh Circuit Court of Appeals is 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. § 2254 petition in which the Petitioner argued that he was prejudiced by his attorney's ineffectiveness (defense counsel rendered ineffective assistance of counsel by failing to pursue a viable entrapment defense).

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the next two months, undersigned counsel

will be attending five postconviction evidentiary hearings before Florida circuit courts, a Florida Bar committee meeting via video conference, will be out his office for a period of time while traveling with his family, and will be out of his office to assist with preparations and the memorial service for his father-in-law.<sup>1</sup>

Additionally, since the Eleventh Circuit Court of Appeals entered the order denying the request for a certificate of appealability, undersigned counsel has participated in three postconviction evidentiary hearings before Florida circuit courts, one oral argument before a Florida district court of appeal, was out of his office during the week of February 14, 2022, attending a funeral in Ohio, and was out of his office while traveling with his family and while sick with an ear and sinus infection during the week of March 14, 2022.

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<sup>1</sup> Undersigned counsel will appear at postconviction evidentiary hearings on: 1) April 22, 2022, in *State v. Ribes*, case number 2014-CF-2388, pending before the Florida Twentieth Judicial Circuit Court (Collier County); 2) May 17, 2022, in *State v. Simeon*, case number 2016-CF-584, pending before the Florida Second Judicial Circuit Court (Leon County); 3) May 25, 2022, in *State v. Sowell*, case number 2018-CF-3386, pending before the Florida Fifth Judicial Circuit Court (Marion County); 4) June 2-3, 2022, in *Booth v. State*, case number 2012-CF-30612, pending before the Florida Seventh Judicial Circuit Court (Volusia County); and 5) June 8, 2022, in *Reed v. State*, case number 2013-CF-255, pending before the Florida Fourteenth Judicial Circuit Court (Washington County).

Undersigned counsel will attend a video conference meeting on April 26, 2022, of The Florida Bar Rules of General Practice and Judicial Administration Committee. Undersigned counsel will be traveling with his family from May 26 to May 30, 2022, and from June 13 to June 17, 2022.

Finally, undersigned counsel's father-in-law passed away on April 1, 2022, and he will be assisting the family with preparations and traveling to South Florida for the memorial service in the near future.

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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## CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 22nd day of April, 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, Concourse 4, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607-7013 (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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