

No. _____

In the Supreme Court of the United States

SAMUEL LEE DANTZLER,

Applicant,

v.

RANDEE REWERTS,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant Samuel Lee Dantzler respectfully requests a 60-day extension of time, to and including January 7, 2022, to file a petition for a writ of certiorari in this case.

On August 25, 2021, the Sixth Circuit Court of Appeals issued an opinion and order affirming the district court's order denying petition his petition for habeas relief. The court denied his petition for rehearing en banc on October 25, 2021. Unless extended, the time to file a petition for a writ of certiorari will expire on January 24, 2022. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). A copy of the Sixth Circuit opinion is attached.

1. DNA evidence was the central component of the prosecution's case against Samuel Dantzler for felony murder. The state paid upwards of \$4,000 for three DNA experts. But the trial court refused to grant Dantzler's request for a \$1,500 retainer to hire a DNA expert, and trial counsel never hired a DNA expert who would work at the court-approved rate. Appellate counsel did not challenge trial counsel's failure to obtain an expert for trial. Dantzler was convicted and sentenced to life in prison without parole.

The questions presented will likely be (1) whether the trial court's refusal to grant additional expert funds violated the Due Process Clause, (2) whether the Sixth Circuit properly applied the standard for prejudice in denying Dantzler's claim of constitutionally ineffective assistance of counsel because his attorney's failure to secure an expert for trial.

2. Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. The anticipated issues in this certiorari petition involves review of voluminous records and caselaw. Undersigned counsel has been working diligently to prepare a petition for certiorari, but other pressing deadlines and court hearings have interfered with his ability to draft the petition. Undersigned has approximately 50 clients litigating federal criminal and habeas cases in the district court and court of appeals. This includes preparation for a significant trial anticipated in early 2022 in which the government is charging multiple defendants with pharmacy fraud.

For the foregoing reasons, the application for a 60-day extension of time, to and including Thursday, March 24, 2022, within which to file a petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ Benton C. Martin

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