

ALBERT I. RICHARDSON,  
Petitioner,  
v.  
UNITED STATES OF AMERICA,  
Respondent.

Submitted on Behalf of Petitioner

Mohammed G.Ahmed  
Assistant Federal Public Defender  
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ATTORNEY FOR PETITIONER

To Justice Amy Coney Barrett:

Petitioner Albert Richardson, through his attorney of record, Assistant Federal Public Defender Mohammed G. Ahmed, requests an additional 32 days in which to file a petition in this Court seeking certiorari to the Seventh Circuit Court of Appeals, up through Monday, February 7, 2022. He requests this extension under Supreme Court Rule 13.5. In support, he states:

### **JURISDICTION**

Petitioner seeks an extension to file a petition for writ of certiorari. Petitioner is requesting review of the judgment issued by the Seventh Circuit Court of Appeals on October 8, 2021, affirming the judgment denying his petition for post-conviction relief pursuant to 28 U.S.C. §2255 challenging his conviction for unlawful possession of a firearm based on ineffective assistance of counsel and denying his request for a Certificate of Appealability. Appendix 1. The petition for writ of certiorari is originally due to be filed Tuesday, January 6, 2022. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

### **REASONS FOR APPLICATION FOR EXTENSION**

1. Petitioner Richardson believes that his case raises a recurrent issue of exceptional importance concerning the standard applied to grant an evidentiary hearing on claims of ineffective assistance of counsel as well as a Certificate of Appealability to appeal the denial of relief. This Court's decision in *Buck v. Davis*, 137 S. Ct. 759, 773 (2017), established that the gatekeeping inquiry of whether to grant a Certificate of Appealability cannot be equivalent to a ruling on the ultimate merits of the petitioner's claims. The District Court denied petitioner's claims that his attorney failed to do basic investigation necessary to determine that the side effects of strong

pain medication petitioner received immediately before his interrogation by police officers, who later testified at trial that petitioner seemed confused and depressed, qualities the prosecution cited as proof of consciousness of guilt. In fact, depression and confusion were side-effects of the drug he received, but the jury (which struggled to convict petitioner) received no evidence of those side effects. The District Court denied petitioner's claim on the merits without granting an evidentiary hearing at which petitioner could establish his defense attorney had no reasonable basis to forego such information.

2. Petitioner's counsel is an assistant federal public defender in the Eastern District of Missouri, where federal prosecutions of firearm offenses have increased drastically in the past few years. The daily demands of counsel's district court docket leave little time for the research and drafting counsel needs to properly present petitioner's claim for certiorari to this Court. Counsel makes this request with no dilatory purpose, but rather seeks to ensure proper presentation of the important federal questions raised in petitioner's case while also providing the effective representation of her dozens of other appointed clients.

WHEREFORE, petitioner requests leave to file his Petition for Writ of Certiorari, up through and including February 7, 2022.

Respectfully submitted,



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# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted September 16, 2021

Decided October 8, 2021

## Before

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 21-1988

ALBERT L. RICHARDSON, JR.,  
*Petitioner-Appellant,*

Appeal from the United States District  
Court for the Southern District of Illinois.

No. 20-cv-99-SPM

*v.*

UNITED STATES OF AMERICA,  
*Respondent-Appellee.*

Stephen P. McGlynn,  
*Judge.*

## ORDER

Albert Richardson has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255 and an application for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, Richardson's request for a certificate of appealability is denied.