

PROVIDED TO
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IN THE SUPREME COURT OF THE UNITED STATES

EUGENE STAFFINE,
Petitioner,

Vs.

STATE OF FLORIDA,
Respondent,

FOR MAILING *LS*
RECEIVED BY *PH*

Case No: _____

(To Be Supplied)

L.T. Case No: **21-12497-14**

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTORARI**

Comes now, the Petitioner, Eugene Staffine, in proper person, pro se, and pursuant to United States Supreme Court Rule 21, and Respectfully move's this Honorable Court to enter an order in the above styled cause Extending the time period to file His Writ of Certiorari in this Court from the denial of his C.O.A. in the Eleventh Circuit Court of Appeal and in support hereof would show:

BASIS FOR INVOKING JURISDICTION

Pursuant to the provisions of 28 U.S.C. §1254 this Honorable Court has Certiorari Jurisdiction to review decisions entered by the United States Court of Appeals. Moreover, pursuant Supreme Court Rule 13, this Honorable Court has authority to extend the time for filing a Petition for Writ of Certiorari upon a showing of Good Cause.

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SUPREME COURT, U.S.

FACTS

- 1). On November 5th, 2021, the United States Court of Appeals for the Eleventh Circuit entered an order denying Petitioners request for a certificate of appealability form the denial of his pro se 28 U.S.C. §2254 Federal Habeas Corpus Petition raising claims of Ineffective Assistance of Counsel that Rendered his State Judgment and Conviction unlawful in violation of the United States Constitution. See Attached Order.
- 2). Pursuant to U.S. Supreme Court Rule 13.1 Petitioner had (90) days to file a Petition for Writ of Certiorari with this court challenging the Eleventh Circuits decision, which would establish a filing date of February 3rd, 2022.
- 3). However, in accord with the provisions of Rule 13.5, a Justice may extend the time to file a petition for certiorari relief upon the showing ~~of~~ Good Cause, when a request for such extension is made at least (10) days before the date the Petition is due, which would require this motion to be filed on or before January 24th, 2022.
- 4). Based upon the Rules of the U.S. Supreme Court, Petitioner has complied with the provisions thereof, and has timely filed this motion for an extension of time, and further states that Good Cause exist for such extension based upon the following facts, argument and citations of authority.

ARGUMENT

The provisions of U.S. Supreme Court Rule 13.5 sets forth in relevant part as follows:

For good cause, a justice may extend the time to file a petition for a writ of certiorari for a period not extending 60 days, an application to extend the time to file shall set out the basis for jurisdiction in this court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the clerk at least 10 days before the date the petition is due, except in extraordinary circumstances.

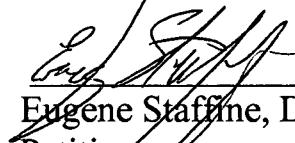
In support of this motion for extension of time, Petitioner would assert the following facts supporting his basis for good cause,

- 1). This Court is aware that the United States suffered a Corona Virus pandemic in 2021. And now the United States is again dealing with a new strain of another Corona Virus,
- 2). Petitioner is incarcerated at Jefferson Correctional Institution located in the state of Florida.
- 3). Due to the mask restrictions being lifted in Florida prisons, 30% of the inmate population at Jefferson C.I. has contracted the New Corona Virus, and those inmates, including Petitioner have been placed in segregated lock down and separated from the rest of the inmate population, to which as a result thereof. Petitioner cannot obtain access to the law library, or any law clerks to assist him with the filing of his petition for writ of certiorari
- 4). All of the Federal Courts of the United States have recognized that last year's corona virus could establish a basis for equitable tolling of the one year time limit under the provisions

of 28 U.S.C §2244. See Hamilton v. Inch 2021 U.S. Dist. Lexis 178679 (Fla. N.D. 2021) and (case's cited therein).

Wherefore, based upon the forgoing facts, argument, and citations of authority, petitioner would aver that he has presented a valid basis establishing good cause justifying an extension of the time limit to file his Petition for Writ of Certiorari warranting the grant of this motion, and extending the time limit by (60)days to establish a new filing date of April 4th 2022.

Respectfully submitted



Eugene Staffine, DC# 348902
Petitioner, pro se