

IN THE  
SUPREME COURT OF THE UNITED STATES

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No.

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**CARLOS JIMENEZ**

Petitioner,

**v.**

**UNITED STATES OF AMERICA,**

Respondent.

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Application to the Honorable Stephen Breyer for Extension of Time  
to File a Petition for a Writ of Certiorari to the United States Court of Appeals for  
the First Circuit

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Application to the Honorable Associate Justice Breyer as Circuit Justice

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January 28, 2022

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To the Honorable Stephen Breyer, Associate Justice of the Supreme Court of  
the United States and Circuit Justice for the First Circuit:

Petitioner, Carlos Jimenez, through counsel, respectfully requests that the time  
to file a Petition for a Writ of Certiorari in this matter be extended for sixty days up to  
and including April 15, 2022. The Court of Appeals issued its opinion on September  
15, 2021. The Court denied a timely-filed petition for rehearing and rehearing en banc

on November 16, 2021. Absent an extension of time, the petition would be due on or before February 14, 2022. This Application is being filed at least ten days before the due date, in accordance with S.Ct.R. 13.5. This Court has jurisdiction under 28 U.S.C. §1257.

### **Reasons Justifying an Extension of Time**

Counsel respectfully requests a 60-day extension of time because:

1. Additional time is needed so that counsel can prepare the petition for certiorari and review it with Mr. Jimenez. Mr. Jimenez is incarcerated and has limited access to the law library and research materials. His incarceration makes spontaneous confidential communications impossible.

2. Counsel has a number of time-sensitive obligations in other federal cases. Since November 16, 2022, counsel has filed petitions for certiorari in *Hicks v. United States*, 21-6691 and *McPherson v. Keyser*, 21-6752. Counsel has filed an Appellant's Brief in *United States v. Cruz*, First Circuit Docket No. 21-1388, and she has participated in oral argument in *United States v. Chandler*, Second Circuit Docket No. 18-1841. In the next sixty days, counsel will file the Appellant's Briefs in *United States v. Lovely*, First Circuit Docket Nos. 21-1428, 21-1429; *United States v. Tapia*, Second Circuit Docket No. 21-1674, and *United States v. Jordan*, Second Circuit Docket No. 19-3032. Oral argument is scheduled for February 16, 2022, in *United States v. Pitterson*, Second Circuit Docket No. 20-2994.

3. Additional time is not sought for the purpose of delay, but rather, to provide effective assistance of counsel to Mr. Jimenez.

For the reasons expressed above, Carlos Jimenez, through counsel, respectfully requests that this Court grant him a sixty-day extension to file a petition for a writ of certiorari up to and including April 15, 2022.

Dated: January 28, 2022

Respectfully submitted,

/s/ Jamesa J. Drake

Jamesa J. Drake

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Counsel for Applicant