

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

PATRICK WILLIAMS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM THE
JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Patrick Williams respectfully requests a sixty-day extension of time from June 21, 2023, to and including August 20, 2023, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit.

See S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

In 2003, Mr. Williams was charged with and found guilty of a single count of possessing 5 or more grams of crack cocaine. At the time, he qualified as a Career Offender, and the district court sentenced him to the then-applicable statutory maximum: life. He appealed, and his case was remanded. *United States v. Williams*, 438 F.3d 1272 (11th Cir. 2006) (*Williams I*). Mr. Williams was resentenced in 2008, and the district court imposed life again. Although the Eleventh Circuit affirmed, *United States v. Williams*, 564 F.3d 1239 (11th Cir. 2009) (*Williams II*), Mr. Williams sought certiorari, and this Court GVR'd the case for reconsideration in light of *Johnson v. United States*, 559 U.S. 133 (2010). Upon remand, the Eleventh Circuit vacated Mr. Williams' Career Offender sentence and remanded to the district court for resentencing. *United States v. Williams*, 609 F.3d 1168 (11th Cir. 2010) (*Williams III*).

Mr. Williams was re-sentenced after the Fair Sentencing Act of 2010, but before this Court's decision in *Dorsey v. United States*, 567 U.S. 260 (June 21, 2012) and the Eleventh Circuit's decision in *United States v. Hinds*, 713 F.3d 1303 (11th Cir. Apr. 9, 2013), clarifying that even if the offense conduct pre-dated the FSA's enactment, the FSA would apply at a resentencing after its effective date. Accordingly, the district court re-imposed the same life sentence, this time using a different prior as the Career Offender predicate. Mr. Williams appealed again, the Eleventh Circuit affirmed again, *United States v. Williams*, 434 F. App'x 800 (11th

Cir. July 13, 2011) (*Williams IV*), and this Court denied certiorari. *Williams v. United States*, 565 U.S. 1073 (2011).

After the passage of the First Step Act of 2018, Mr. Williams moved for a sentence reduction pursuant to Section 404, noting that his was a “covered offense” as defined in Section 404(a). The district court disagreed, but the Eleventh Circuit reversed, confirming that Mr. Williams indeed had a covered offense, and the district court therefore had the discretion to reduce his sentence under Section 404(b). *United States v. Williams*, 820 F. App’x 998 (11th Cir. Sept. 10, 2020) (*Williams V*). Upon remand, Mr. Williams argued *inter alia* as grounds for the court to exercise its discretion to reduce his re-imposed life sentence to at least the 30-year maximum in § 841(b)(1)(C), that as per *Dorsey* and *Hinds* – both decided after his 2010 resentencing and appeal therefrom – the FSA should have governed at that resentencing; the district court actually did not have jurisdiction to re-sentence him above the 30-year maximum of § 841(b)(1)(C); and he was therefore now-serving a sentence that was illegal when reimposed. The district court, however, denied any reduction under Section 404(b).

Mr. Williams appealed that denial, arguing that it was both procedurally and substantively unreasonable. The Eleventh Circuit rejected Mr. Williams’ suggestion that the abuse of discretion standard required substantive reasonableness review, and affirmed the denial of his Section 404 motion because the district court satisfied its duty of explanation by stating reasons for its decision. *United States v. Williams*, 63 F.4th 908 (Mar. 23, 2023) (*Williams VI*).

This petition seeks certiorari from *Williams VI*, given the circuit conflict that currently exists on whether substantive reasonableness review applies in reviewing whether the district court abused its discretion in denying relief to a concededly-eligible defendant under Section 404.

Counsel will not be able to file the petition by the current June 21st due date due multiple competing case commitments over the last two months, and in the next two months. First, in May and June counsel filed motions to dismiss separate counts of the indictment in *United States v. Alvin*, Case No. 22-cr-20244-Gayles (S.D.Fla.); a Reply to the government's Response to an Order to Show Cause in *Moody v. United States*, Case No. 16-civ-21649-Middlebrooks (S.D.Fla.); an Initial Brief in *United States v. Sheely*, Case No. 22-13500 (11th Cir.); an Initial Brief in *United States v. Gray*, Case No.23-10247 (11th Cir.); a supplemental letter brief in *United States v. Coissy*, Case No. 20-14797 (11th Cir.); and a petition for writ of certiorari in *Alegre v. United States*, No. 22-7471.

Now, during the month of June, counsel must file Objections to a Report and Recommendation in *Alvin*; a reply brief in *Gray*; and an Initial Brief in *United States v. Perez-Quibus*, Case No. 23-10465 (11th Cir.). And, in July, counsel must file a reply brief in *Sheely*, and another reply brief in *United States v. Richardson*, Case No. 22-11921 (11th Cir.). Finally, since the Court has recently directed that the government respond to the petition for writ of certiorari in *Alegre*, counsel may need to file a reply to the government's response to that petition in either July or August.

Due to these competing case matters, as well as family obligations which will require counsel to take numerous days of leave in both July and August, the undersigned asks that the Court extend the due date for filing Mr. Williams' petition for writ of certiorari by sixty (60) days, until August 20, 2023.

Mr. Williams is serving a life sentence and will not be prejudiced, but rather, greatly advantaged by allowing counsel the extra 60 days she is requesting to file an effective petition for certiorari on his behalf.

Since the time within which to file a petition for writ of certiorari in this case will expire on June 21, 2023 unless extended, undersigned counsel respectfully requests that an order be entered extending Mr. Williams' time to file a petition for writ of certiorari by sixty days, until August 20th.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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May 30, 2023
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