

No. 22A122

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IN THE SUPREME COURT OF THE UNITED STATES

ROBERT GROSS

Petitioner

Supreme Court, U.S.
FILED
AUG 08 2022
OFFICE OF THE CLERK

v.

UNITED STATES OF AMERICA

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
COURT OF APPEALS FOR THE FIFTH CIRCUIT

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

CRIMINAL CASE

Robert Gross
Pro se
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SUPREME COURT, U.S.

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

*To the Honorable Samuel Alito, Associate Justice of the Supreme Court
Of the United States and Circuit Justice for the Fifth Circuit*

Petitioner, Robert Gross, respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from August 13, 2022 until October 12, 2022, a period of sixty (60) days. This Court has jurisdiction under 28 U.S.C. Sec. 1257. In support of this Application, Dr. Gross states as follows:

1. Dr. Gross' case raises important issues on the issue and definition of "non-frivolous". Gross' attorney contends that an issue should be deemed non-frivolous for purposes of deficient performance under *Strickland* if it has any basis in law or fact. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984). The Fourth Circuit apparently agrees with this. The Fifth Circuit does not. Further, Dr. Gross has had a hard time securing and working with Westlaw and/or Lexis resources. He lives in a remote area, and the neighboring libraries do not have these resources available. He has had difficulty researching this.

2. Dr. Gross recently contacted covid and has had a long road to recovery.
3. Dr. Gross has also sought to hire another attorney to represent him in this matter, but has had difficulty in securing a suitable attorney.
4. According to Supreme Court rule 13.3, a petition for writ of certiorari is due on or before August 13, 2022. See Supreme Court rule 13.3 (“the time to file the petition for a writ of certiorari ...runs from the date of entry of judgment...” However, the time granted by the Supreme Court rule 13 will be insufficient to allow Petitioner to find counsel and adequately research the issue at hand. Therefore, Petitioner seeks an extension of sixty days in which to file his petition for a writ of certiorari. See Supreme Court Rule 13.5 (“(A) Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days”).
5. In accordance with Supreme Court Rule 13.5, this Application is submitted at least ten days prior to the present due day. Further, the requested extension is made in good faith and not for the purposes of delay.

Wherefore, in the interest of justice and for good cause shown, Dr. Gross respectfully request that this Court extend the current August 13, 2022 deadline until October 12, 2022.

Respectfully submitted,

August 3, 2022

/s/ Robert Gross
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