

No. _____

IN THE
Supreme Court of the United States

ADAM TELLO,

PETITIONER

V.

UNITED STATES OF AMERICA,

RESPONDENT

APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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To the Honorable Justice Samuel Alito:

Petitioner Adam Tello comes and respectfully files this application for extension of time to file his Petition for Writ of Certiorari in this case. The Fifth Circuit issued its opinion from Adam Tello's direct appeal on April 28, 2022. (Exhibit 1). Adam Tello timely filed a petition for rehearing, which the Fifth Circuit denied on June 1, 2022. (Exhibit 2). Jurisdiction is proper in this Court under 28 U.S.C. § 1254.

The undersigned counsel was appointed on June 2, 2021, to represent Mr. Tello for purposes of appeal by the district court and has represented him in the Fifth Circuit. She advised him of his rights to petition to this Court and had offered to file such a petition for him. During this period of time, Mr. Tello was moved and some mail was returned. Thereafter, counsel spoke to him and advised him again of his options and asked him to notify her in writing if he wished her to proceed. Mr. Tello notified counsel that he did want her to file the petition but that he had additional issues that he would like to send her to raise in this Court. Counsel advised that she could not raise certain issues, but that he could file a petition *pro se* if the undersigned counsel withdrew. She again asked him to let her know.

Mr. Tello's next letter requested portions of the appellate record and counsel is still unsure of Mr. Tello's intentions regarding filing a petition in this Court. On August 12th counsel received notice that Mr. Tello had filed certain *pro se* motions in the district court. Therefore, counsel believes Mr. Tello prefers to proceed *pro se*. Counsel is therefore filing a motion to withdraw in the Fifth Circuit. She has advised Mr. Tello of this, as well as his right to file a *pro se* petition.

Counsel has sent Mr. Tello information regarding filing the petition, including this Court's guide to assist *pro se* individuals who wish to continue appealing their conviction/sentence to this Court. Counsel would like Mr. Tello to have more time if possible and believes good cause exists to grant this extension of time of 60 days within which Mr. Tello can file his *pro se* petition for writ of certiorari should he desire to file one. That is an extension of time until October 31, 2022.

For these reasons, Adam Tello prays this Court grant him an extension of time until October 31, 2022, within which to file a *pro se* Petition for Writ of Certiorari. He requests any and all additional relief either in law or equity to which he may be entitled.

Date: August 16, 2022

Respectfully submitted,

/s/ Deborah Race

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule CV-7(h), movant has contacted Lauren Gaston, opposing counsel, and was informed that Ms. Gaston does not oppose the relief requested herein.

/s/ Deborah Race

Deborah Race