

NO:

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

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TRACY LAMONT MILES,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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

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

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Pursuant to Supreme Court Rules 13.5, 22, and 30, Tracy Miles respectfully requests a sixty-day extension of time, to and including December 19, 2022, 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. Mr. Miles has not previously sought an extension of time from this Court.

Mr. Miles is filing this Application at least ten days before the filing date, which is October 20, 2022. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Miles was convicted after trial of one count of knowing possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g). He was sentenced to 108 months' imprisonment. He appealed his conviction and sentence to the United States Court of Appeals for the Eleventh Circuit, raising, among other issues, the claim that his sentencing guideline calculation was enhanced by a prior drug conviction that should not have counted as a "controlled substance offense." The Eleventh Circuit affirmed Mr. Miles' conviction and sentence in an unpublished July 22, 2022 opinion. A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

Undersigned counsel will not have sufficient time to prepare and file the petition for writ of certiorari for Mr. Miles by October 20, 2022, as she is currently working on the following matters, among others: a petition for certiorari in *Unises Chapotin v. United States*, Appeal Case No. 21-10586 (due October 19, 2022); an initial brief in *Tracy Turner v. United States*, Appeal Case No. 22-12173 (due November 7, 2022); and reply briefs in *United States v. Charles Brown*, Appeal Case No. 22-10485 (due November 7, 2022), and *United States v. Almando Marquez*, Appeal Case No. 21-12016 (due November 21, 2022).

Undersigned counsel believes that additional time is important to ensure the effective representation of Mr. Miles. No party will be prejudiced by the granting of a sixty-day extension.

Accordingly, since the time within which to file a petition for writ of certiorari in this case will expire on October 20, 2022 unless extended, Mr. Miles respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including December 19, 2022.

Respectfully submitted,

MICHAEL CARUSO  
FEDERAL PUBLIC DEFENDER

By: /s/ Sara W. Kane  
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October 7, 2022