

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2022

JOEY FAUGHT, Applicant

v.

UNITED STATES OF AMERICA, Respondent

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

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

*To the Honorable Brett M. Kavanaugh, Circuit Justice to the United States Court of Appeals for
the Sixth Circuit:*

In accordance with Rule 13.5 of the United States Supreme Court Rules, Joey Faught requests a sixty-day extension of time within which to file his petition for writ of *certiorari*. Faught's petition for *certiorari* is currently due October 17, 2022. In support of this application, counsel states:

1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254.
2. On July 19, 2022, the United States Court of Appeals for the Sixth Circuit, *United States v Faught*, No. 21-6123, affirmed the conviction and sentence of Mr. Faught by the district court. A copy of the opinion is attached.
3. Joey Faught is indigent and has had appointed counsel pursuant to the Criminal Justice Act throughout the proceedings in the district court and the court of appeals. See, 18 U.S.C. §3006A(d)(7). Petitioner is currently incarcerated at FCI Memphis serving a 63-month sentence which was imposed by the district court on November 23, 2021.
4. On appeal, Petitioner Faught raised several issues, including the denial of his motion to dismiss before the district court pursuant to the Interstate Agreement on Detainers, 18 U.S.C. app. 2, §2. Petitioner believes there is a split among the circuits regarding how to interpret this Interstate Agreement and the Agreement is in great need of clarification to resolve the various interpretations.
5. An important question raised is what procedure, specifically, must be followed when a

prisoner is not informed by his prison that there is a detainer placed on him and what the Interstate Agreement on Detainers requires to initiate action in the detaining jurisdiction. Despite not being informed by his prison of any particular requirements, Mr. Faught, as a layperson, did the best he could in writing a letter to the Clerk of the district court requesting to be taken to federal court to resolve his case. The Sixth Circuit, however, faulted Mr. Faught for not “request[ing] a final disposition” of his case in his letter and “not even request[ing] a trial”, statements or terms not required by the plain language of the Interstate Agreement as adopted by the United States and the State of Tennessee.

6. Appointed counsel is a solo practitioner with a very heavy caseload, primarily representing indigent defendants before the U.S. District Court for the Middle District of Tennessee. Most of his cases involve multiple defendants with discovery amounting to terabytes of electronic data and thousands of documents and audio and video recordings. To the best of his recollection, he has not previously filed a petition for writ of *certiorari* with this Court.
7. Additionally, last month, undersigned counsel became ill and, at the same time, had to care for his wife who tested positive for Covid-19. The recovery period lasted several weeks and seriously affected counsel’s backlog of cases and further increased his workload.

For the foregoing reasons, Mr. Faught, who is indigent and incarcerated in FCI Memphis, Memphis, Tennessee, respectfully moves that this Court grant an extension of sixty (60) days to and including December 16, 2022, within which to file his petition for writ of *certiorari*.

Respectfully submitted, this 17th day of October, 2022.

/s/ Jerry Gonzalez
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CERTIFICATE OF SERVICE

I certify that I have served the foregoing motion by first-class mail, postage prepaid, to the following:

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This 17th day of October, 2022.

/s/ Jerry Gonzalez