

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAVID VAHLKAMP,
Petitioner,

v.

RICKY D. DIXON,
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT
COURT OF APPEALS

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

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Counsel for the Petitioner

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Introduction

Pursuant to this Court's Rule 13.5, the Petitioner, David Vahlkamp, respectfully requests a thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including April 19, 2023.

Jurisdiction

The opinion of the Eleventh Circuit Court of Appeals affirming the dismissal of the Petitioner's 28 U.S.C. § 2254 petition was entered on December 19, 2022. Unless extended, the time within which to file a petition for a writ of certiorari would expire on March 20, 2023.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). A copy of the order of the Eleventh Circuit Court of Appeals is included in the appendix to this motion.

Argument

The issue in this case is whether the court of appeals erred by concluding that the Petitioner is not entitled to equitable tolling.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, since the Eleventh Circuit Court of Appeals entered its opinion, undersigned counsel has participated in two postconviction evidentiary hearings before Florida circuit courts, three motion hearings before Florida circuit courts, one oral argument before a Florida district court of appeal, lectured at two

continuing legal education seminars, and attended four Florida Bar committee meetings.

Additionally, during the next two months, undersigned counsel will be attending one oral argument before a Florida district court of appeal and three postconviction evidentiary hearings before Florida circuit courts.¹

Therefore, the Petitioner requests an extension of thirty days to file the petition for a writ of certiorari. No party will be prejudiced by the granting of a thirty-day extension in this case.

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by thirty days.

Respectfully submitted,

/s/ Michael Ufferman
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¹ On March 16, 2023, undersigned counsel will appear at one oral argument before the Florida Fifth District Court of Appeal, in *Bender v. State*, case number 5D21-1498. Undersigned counsel will also appear at postconviction evidentiary hearings on: 1) March 9, 2023, in *State v. Rollins*, case number 2004-CF-162B, pending before the Florida Second Judicial Circuit (Leon County); 2) April 11, 2023, in *State v. Stalker*, case number 2015-CF-8022, pending before the Florida Sixth Judicial Circuit Court (Pasco County); and 3) April 13, 2023, in *State v. Gray*, case number 2020-CF-1316, pending before the Florida First Judicial Circuit Court (Santa Rosa County).

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 1st day of March, 2023, a copy of this Application For Extension of Time To File A Petition For A Writ Of Certiorari in the above-entitled case was mailed, first class postage prepaid, to the Office of the Attorney General, Concourse Center 4, 3507 East Frontage Road, Suite 200, Tampa, Florida 33607-7013 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman
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