

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

MARK A. JONES,
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, Mark A. Jones, 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 May 22, 2023.

Jurisdiction

The opinion of the Eleventh Circuit Court of Appeals affirming the denial of the Petitioner’s 28 U.S.C. § 2254 petition was entered on January 20, 2023. Unless extended, the time within which to file a petition for a writ of certiorari would expire on April 20, 2023.

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

Argument

The issue in this case is whether the Petitioner’s 28 U.S.C. § 2254 petition was improperly denied. In his § 2254 petition, the Petitioner alleged that the district court erred in finding that his underlying ineffective-assistance-of-trial-counsel claim for failure to convey a plea offer was not “substantial” to overcome procedural default.

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 three postconviction evidentiary hearings before Florida circuit courts, three motion hearings before Florida circuit courts, two oral arguments before two Florida district courts 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 four 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.

¹ On April 11, 2023, undersigned counsel will appear at one oral argument before the Florida First District Court of Appeal, in *Milaski v. State*, case number 1D22-45. Undersigned counsel will also appear at postconviction evidentiary hearings on: 1) April 12, 2023, in *State v. Espurvoa*, case number 2019-CF-132, pending before the Florida Fifth Judicial Circuit Court (Marion County); 2) April 13, 2023, in *State v. Gray*, case number 2020-CF-1316, pending before the Florida First Judicial Circuit Court (Santa Rosa County); 3) April 27, 2023, in *State v. Rafuse*, case number 2012-CF-143, pending in the Florida Fourteenth Judicial Circuit Court (Washington County); and 4) May 3, 2023, in *State v. Bullard*, case number 2016-CF-5226, pending before the Florida First Judicial Circuit Court (Escambia County).

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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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 28th 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, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach, Florida 32118 (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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