

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

MINNELA MOORE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**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**

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

Pursuant to Supreme Court Rules 13.5, 22, and 30, Minnela Moore respectfully requests a sixty-day extension of time, to and including July 3, 2023, 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. Moore has not previously sought an extension of time from this Court.

Mr. Moore is filing this Application at least ten days before the filing date, which is May 2, 2023. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Moore appealed following his conviction and sentence for one count of being a felon in possession of a firearm. He challenged, in part, his increased offense level pursuant to U.S.S.G. § 2K2.1(a)(2) on the basis of a 2018 conviction for violating Fla. Stat. § 893.13. More specifically, he contended that his Florida conviction for possession of cannabis with intent to sell, manufacture, or deliver the same, did not qualify as a controlled substance offense at the time of his 2021 sentencing. The Eleventh Circuit found no error and affirmed Mr. Moore's sentence. 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. Moore by May 2, 2023, as she is currently working on the following other matters, among others: an initial brief in *United States v. Kyle Melkonian*, Appeal Case No. 22-13543 (due May 1, 2023); an oral argument in *United States v. Kevin McCall*, Appeal Case No. 21-13092 (set for April 27, 2023); and a motion for a certificate of appealability in *Ariel Valdes v. United States*, District Court Case No. 20-cv-20040-DLG (due May 1, 2023).

Undersigned counsel believes that additional time is important to ensure the effective representation of Mr. Moore. 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 May 2, 2023 unless extended, Mr. Moore respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including July 3, 2023.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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