

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

KRISHNA MAHARAJ,

Applicant,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondent.

**APPLICATION TO THE HON. CLARENCE THOMAS
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Krishna N. Maharaj (“Applicant”) respectfully seeks a sixty (60) day extension of time within which to file his petition for writ of certiorari to this Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. This application is submitted more than ten (10) days prior to the scheduled filing date for the Petition.

1. The pertinent dates are:
 - a. Applicant’s appeal to the Eleventh Circuit was denied on March 17, 2022.
See *Maharaj v. Secretary*, No. 20-14816 (11th Cir. Mar. 17, 2022).
(Attached as *Exhibit A*)

b. Applicant's motion for rehearing, or rehearing *en banc*, was denied on May 13, 2022. See *Maharaj v. Secretary*, No. 20-14816 (11th Cir. May 13, 2022). (Attached as *Exhibit B*)

2. A petition for a writ of certiorari to this Court is therefore currently due on August 11, 2022.

3. Undersigned counsel of record, Donald B. Verrilli, Jr. has recently agreed to take on the case on a *pro bono* basis.

4. Applicant is indigent and incarcerated in the South Florida Correctional Facility in Kendall, Florida. The complete file in the case extends over 35 years and runs to tens of thousands of pages. The case raises important and recurring questions regarding the availability and scope of discovery in federal post-conviction proceedings (see *Bracy v. Gramley*, 520 U.S. 899 (1997)), and regarding the scope of a federal district court's jurisdiction under 28 U.S.C. § 2244(b) in a case in which the court of appeals has granted authorization for a successor habeas petition to be considered based on a showing that "the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense." *Id.* § 2244(b)(2)(B)(ii).

5. Depending on further analysis of the record, Applicant may also seek to invoke this Court's original jurisdiction under 28 U.S.C. § 2241(a) to file a petition for habeas corpus on the basis of a showing that "exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court." Supreme Court Rule 20.4. To

the extent the time limits applicable to Applicant's petition for certiorari would also apply to any original action under 28 U.S.C. § 2241(a), Applicant also respectfully requests that the time for filing any such original action be extended to coincide with Applicant's filing of a petition for certiorari.

For the foregoing reasons, Applicant respectfully prays that this Court grant an extension of sixty (60) days to and including Monday, October 10, 2022, within which to file his petition for writ of certiorari and any original action that Applicant may file under 28 U.S.C. 2241(a).

Respectfully submitted, this 31st day of July, 2022.

July 31, 2022

Respectfully submitted,



DONALD B. VERRILLI, JR.

Counsel of Record

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