

No. _____ (CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2022

CARL LINDSEY,

Petitioner,

v.

WARDEN CHARLOTTE JENKINS,

Respondent.

UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Deborah L. Williams,
Federal Public Defender
by:

Jordan S. Berman (OH 0093075)
(Supreme Court Bar No. 285543)
**Counsel of Record*

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Counsel for Petitioner Carl Lindsey

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

1. For the specific reasons set forth below, Petitioner Carl Lindsey respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a sixty-day extension of time to file his petition for a writ of certiorari regarding the denial of his petition for habeas corpus relief by the United States Court of Appeal for the Sixth Circuit.

2. An Ohio jury convicted Mr. Lindsey of aggravated murder and recommended a sentence of death. The trial court adopted that recommendation, and the state courts affirmed Mr. Lindsey's conviction and death sentence on direct appeal. The Ohio courts also denied Mr. Lindsey's request for post-conviction relief.

3. Mr. Lindsey filed an application for a writ of habeas corpus in the U.S. District Court for the Southern District of Ohio (Case No. 1:03-cv-00702), where he was represented by appointed counsel. Eventually, the Office of the Federal Public Defender for the Southern District of Ohio's Capital Habeas Unit was appointed to represent Mr. Lindsey. Ultimately, the federal district court denied Mr. Lindsey's petition and his motion for leave to amend his petition with newly discovered evidence. The district court denied a certificate of appealability on all of Mr. Lindsey's constitutional claims.

4. On September 8, 2022, the Sixth Circuit Court of Appeals similarly denied Mr. Lindsey's request for a certificate of appealability (Case No. 21-3745). The Sixth Circuit issued an amended order on December 1, 2022, but again denied Mr. Lindsey's request for a certificate of appealability. The Sixth Circuit's amended

order is attached. The court then denied Mr. Lindsey's petition for rehearing and rehearing *en banc*, in orders issued on January 10 and February 13, 2023. The Sixth Circuit's order denying the petition for rehearing *en banc* is also attached.

5. Mr. Lindsey seeks for this Court to review the Sixth Circuit's December 1, 2022, amended opinion. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1254(1). Under this Court's Rules, Mr. Lindsey's deadline to file a petition for writ of certiorari following the Sixth Circuit's denial of his appeal is May 15, 2023.

6. Mr. Lindsey now seeks an extension of that deadline for an additional sixty (60) days. Good cause exists to justify Mr. Lindsey's requested extension. His counsel require additional time to draft a petition for a writ of certiorari due to their obligations to other capital clients in various stages of litigation. Most pressing, counsel are assisting with drafting a § 2255 federal habeas petition that is due on May 15, 2023. Throughout May and early June, counsel also have numerous deadlines for responsive pleadings including three replies, a response in opposition, as well as preparation for a status conference. Counsel also has a motion for evidentiary development in a multi-victim capital case, due on June 9, 2023.

7. Petitioner Lindsey's counsel thus respectfully request an extension of time to adequately prepare his petition for a writ of certiorari.

8. Counsel for Respondent Warden Charlotte Jenkins, Ohio Solicitor General Benjamin Flowers, of the Office of the Ohio Attorney General, has stated that his office does not oppose this 60-day extension.

Therefore, Petitioner Carl Lindsey respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for sixty days, from May 15, 2023, to July 14, 2023.

Respectfully submitted this 2nd day of May, 2023,

Deborah L. Williams
Federal Public Defender,
by:

/s/ Jordan S. Berman
Jordan S. Berman (OH 0093075)
(Supreme Court Bar No. 285543)

**Counsel of Record*

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CERTIFICATE OF SERVICE

I, Jordan Berman, hereby certify that on this 2nd day of May, 2023, a copy of the Unopposed Application To Extend The Time To File A Petition For Writ Of Certiorari was served in compliance with Supreme Court Rule 29.3 by regular United States Mail, first-class postage prepaid, on the following Counsel for Respondent Warden Tim Shoop:

Charles L. Wille
Assistant Attorney General
Office of the Ohio Attorney General
Criminal Justice Section, Capital Crimes Unit
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215-3428

All parties required to be served have been served.

/s/ Jordan S. Berman
Jordan S. Berman
Counsel for Petitioner Lindsey