NO. _____

IN THE

Supreme Court of the United States

_____ TERM, 20__

Sylvester Cunningham- Petitioner,

vs.

United States of America - Respondent.

Application for Extension of Time Within
Which to File for a Writ of Certiorari to the United States Court of Appeals
for the Eighth Circuit

**APPLICATION DIRECTED TO THE HONORABLE JUSTICE
BRETT KAVANAUGH AS CIRCUIT JUSTICE**

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ATTORNEY FOR PETITIONER

Comes Now petitioner Sylvester Cunningham, through his attorney of record, First Assistant Federal Public Defender Heather Quick, who, pursuant to Supreme Court Rule 13.5, requests an additional thirty days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals, up through Thursday, December 28, 2023. In support, counsel submits as follows:

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Petitioner seeks an extension to file a petition for writ of certiorari. Petitioner is requesting review of the judgment issued by the Eighth Circuit Court of Appeals on June 13, 2023, affirming the petitioner's conviction and sentence. Petitioner filed a timely motion for petition for rehearing en banc, which the Eighth Circuit denied on August 30, 2023.

JURISDICTION

This Court will have jurisdiction over the timely filed petition pursuant to 28 U.S.C. § 1254(1). Under Supreme Court Rules 13.1, 13.3, and 30.1, the current deadline for the filing of a petition for writ of certiorari is Tuesday, November 28, 2023. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

REASONS FOR APPLICATION FOR EXTENSION

Defense counsel has a variety of other obligations before the federal judiciary. For example, in the last three weeks counsel of record has submitted an appellant's brief and a reply brief to the Eighth Circuit Court of Appeals. Counsel of record has

also prepared for and presented oral arguments in three separate matters before the Eighth Circuit Court of Appeals in St. Paul, Minnesota in that time. Further, in the next three weeks, counsel of record has eight initial briefs and a reply brief due to the Eighth Circuit Court of Appeals. These obligations will make it difficult for counsel to finalize and file a satisfactory petition by the current deadline, despite counsel's diligent efforts to do so.

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that this Court grant a 30-day extension, to and including Thursday, December 28, 2023, in which to file a petition for a writ of certiorari.

RESPECTFULLY SUBMITTED,

  /s/ Heather Quick
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