

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

PATRICK ABOITE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME 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**

**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 30.3, Patrick Aboite respectfully requests a sixty-day extension of time from January 14, 2024 to March 14, 2024, 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. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Petitioner was charged with two counts of possession of a gun by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). He pled guilty to one of the counts, and on August 24, 2022, the district court sentenced him to an 87-month term of imprisonment, to be followed by a three-year term of supervised release.

On appeal, Petitioner challenged both a sentencing enhancement as well as the reasonableness of his sentence. The Eleventh Circuit, however, affirmed. *United States v. Aboite*, 2023 WL 6803462 (11th Cir. Oct. 16, 2023).

On October 16, 2023, undersigned counsel filed an initial brief in *United States v. Rivero*, Eleventh Circuit Case No. 23-10646-DD & 23-10923-DD, and on November 7, 2023, she filed a reply brief in *United States v. Edwards*, Eleventh Circuit Case No. 22-13963-CC. Counsel has another initial brief due before the end of January 2024 in *United States v. Everett*, Eleventh Circuit Case No. 23-11532-GG.

Counsel was recently diagnosed with an incarcerated incisional hernia, and surgery is scheduled for December 15, 2023. It is unknown how long the recovery will take, or when counsel will return to the office. Due to these competing case matters, the upcoming surgery, and because counsel was out of the office from November 14, 2023 until December 1, 2023, an additional sixty (60) days is necessary to file the petition in this case.

Since the time within which to file a petition for writ of certiorari in this case will expire on January 14, 2024 unless extended, Petitioner respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days. Counsel requests until March 14, 2024 to file Mr. Aboite's petition.

Neither the government nor Mr. Aboite would be prejudiced by such an extension.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

s/ Lori Barrist _____

Lori Barrist

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December 11, 2023
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