

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

EDWARD EUGENE ROBINSON,
Petitioner,

v.

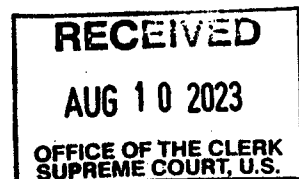
UNITED STATES OF AMERICA,
Respondent,

On Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit
USCA No. 21-10708

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI

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IN THE
SUPREME COURT OF THE UNITED STATES

Edward Eugene Robinson,	*	
Petitioner,	*	
	*	
v.	*	USCA No. 21-10708
	*	
United States of America,	*	
Respondent,	*	

MOTION FOR AN EXTENSION OF TIME

TO THE HONORABLE JUSTICE GORSUCH:

COMES NOW, Petitioner, Edward Eugene Robinson (Robinson), proceeding pro-se, respectfully moves this Honorable Court for an order extending the time to file a petition for a writ of certiorari. Through no fault of his own Robinson was suddenly transferred from one institution to another causing the loss of sixty of the ninety days he had to petition this Court for certiorari. In the interest of justice he seeks an order to restore those lost days. In support thereof, Robinson submits the following:

STATEMENT OF THE CASE

Offense Conduct

In 2019, Petitioner Robinson was charged with an over-arching conspiracy encompassing his involvement in a series of cell-phone store robberies. To broaden the spectrum of possible liability, the government also charged him with two duplicitous counts of aiding & abetting and attempted Hobbs Act robbery, in violation of 18 USC §1951(a), and two associated counts of committing a "crime of violence" under §924(c).

Due to changes in counsel and Covid delays, Robinson did not proceed to trial until 2021. Before the jury the government argued that aiding & abetting and attempted Hobbs Act robbery both qualified as a "crime of violence" under §924(c). Worse, the district court instructed the jury that under §924(c) any offense that "affect[s]

commerce by robbery is a crime of violence." Pursuant to a general verdict form, the jury found Robinson guilty on all counts. As relevant here, on each §924(c) the district court sentenced Robinson to a consecutive 84 months for a total of 168 months in prison.

While Robinson was on direct appeal, this Court (in an opinion written by Justice Gorsuch) held that "attempted Hobbs Act robbery does not qualify as a 'crime of violence' under §924(c)(3)(A) because no element of the offense requires proof that the defendant used, attempted to use, or threatened to use force." *United States v. Taylor*, 142 S. Ct. 2015 (2022)(Slip op. * 2).

On appeal, Robinson argued, inter alia, that following *Taylor*, his §924(c) convictions and sentences were void for vagueness because under the categorical approach the courts must assume that he was convicted of nothing more than the least of the acts charged (i.e., attempted Hobbs Act robbery), and that any ambiguity in the jury's verdict must be construed against the government. On May 12, 2021, the Court of Appeals for the Fifth Circuit denied Robinson's direct appeal. See USCA No. 21-10708. Utilizing the case specific approach, the Court of Appeals dismissed his Taylor Claim holding, that "the only error here is the district court's failure to distinguish between completed and attempted robbery." *Id.* at p.15. In the Court's view, because "the fact that completed robberies occurred was essentially undisputed at trial," it is irrelevant that Robinson was only charged and convicted of "attempted" robbery. *Id.* at 16.

Delayed Notice of Order

Due to a sudden and unexpected set of circumstances beyond his control, Robinson was subjected to an administrative transfer. Specifically, on May 9, 2023, Robinson was moved from USP Big Sandy in Inez Kentucky to a hold-over in Atlanta USP. On May 16, 2023, he was taken to the federal transfer center in Oklahoma. On June 13, 2023, while still in Oklahoma, Robinson received a copy of the order denying his direct appeal. But pursuant to policy, that order had to be mailed home because inmates are not allowed to travel with the paperwork. Unfortunately, due to several inmate on staff assaults USP Florence was locked down until July 13, 2023. While on lockdown, Robinson received another copy of the Court of Appeals order denying his Taylor Claim. More importantly, to date Robinson has not received his legal work or personal property from USP Big Sandy.

Discussion

Petitioner Robinson, respectfully moves the Supreme Court for a sixty (60) day extension of time to research, prepare, and file an adequate substantive petition for a writ certiorari, from the current date of July 18, 2023. As noted, because of the sudden nature of his transfer Robinson did not receive a copy of the Court of Appeals denial until June 13, 2023, a month after his case was decided. Information he could do nothing about, because the transfer center had no law library materials available to him. To make matters worse, upon arriving at USP Florence, the institution was on administrative lockdown for the safety and security of staff. While on lockdown inmates are confined to their assigned cells 24 hours a day. Indeed, at the time of writing this motion, Robinson has still not had access to the law library.

If that were 'nt enough, despite speaking to any and every staff member visiting the unit, and numerous written request, Robinson has no idea where his legal work is presently at? As such, his family has ordered the documents he needs to prepare his certiorari. Papers Robinson hopes to receive by week end. All told, the delay in Robinson receiving a copy of the lower court's decision, combined with the institutional lockdown, created a set of extraordinary circumstances beyond Petitioner's control that should not be held against him. Last, but not least, this motion is made solely in the interest of justice and in no way seeks to delay these proceedings. To the contrary, because Robinson was only charged and convicted of attempted Hobbs Act robbery, the decision by the Court of Appeals cannot be reconciled with Taylor's holding, that "whatever one might say about completed Hobbs Act robbery attempted Hobbs Act robbery does not satisfy the elements clause." Taylor, 142 S. Ct. at * 11.

Without belaboring this issue, based on the foregoing, Petitioner Robinson urges this Honorable Court to grant an order extending the time by sixty (60) days to file a petition for certiorari.

Executed on this 18th day of July 2023.

Respectfully Submitted,

/s/ 

Edward Eugene Robinson

Register No. 24232-112