

IN THE SUPREME COURT OF THE UNITED STATES

MARIO SALAS,
Petitioner,

v.

COA Case No.: 22-6371

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

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COMES NOW, MARIO SALAS, through counsel, and respectfully applies to this Court for an order extending the time in which to file his petition for writ of certiorari from September 7, 2023 until October 7, 2023, a period of thirty (30) days. This Court has jurisdiction under 28 U.S.C. §1257. In support of this application, Mr. Salas states the following:

1. Mr. Salas is incarcerated at the Federal Correctional Institute in Gilmer in Glenville, WV under conviction of 21 U.S.C. § 846 for which he was sentenced to life in prison. On December 16, 2016, Mr. Salas filed a motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c) due to changes to the United States Sentencing Guidelines § 2D1.1 which were made retroactive by Amendment 782.¹ On March 2, 2017, Court reduced his sentence to 360 months making Mr. Salas’s projected release date January 2, 2024.²
2. On November 19, 2021, Mr. Salas submitted a motion for compassionate release.³ On March 23, 2022, the United States District Court for the Eastern District of Virginia issued an order denying Mr. Salas’s motion for compassionate relief, however acknowledged Mr. Salas’s rehabilitation and found that “the Court does not believe that Mr. Salas poses much of a danger to the community after his 23 years in prison”.⁴ On March 31, 2022, Mr. Salas timely noted an appeal to the United States

¹ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 174.

² See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 178.

³ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 201.

⁴ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 213.

Court of Appeals for the Fourth Circuit⁵. On June 9, 2023, the United States Court of Appeals for the Fourth Circuit denied Mr. Salas's appeal and affirmed the district courts decision.⁶

3. Counsel for Mr. Salas timely filed the Certiorari Status Form indicating that she was not filing a petition for certiorari. Subsequently, Mr. Salas notified Counsel that he did in fact intend to proceed with a petition for certiorari. On August 29, 2023, Counsel filed an Amended Certiorari Status Form and a Motion to Withdraw as Counsel.⁷
4. According to Supreme Court Rule 13.3, a petition for writ of certiorari is due on or before September 7, 2023.⁸ The time granted by Supreme Court Rule 13.3 will be insufficient to allow Mr. Salas to adhere to the due date as a *pro se* appellant. Therefore, on behalf of Mr, Salas, Counsel seeks an extension of thirty (30) days in which to file his petition for a writ of certiorari *pro se*.⁹ This requested extension is made in good faith and not for the purposes of delay, but to provide Mr. Salas a fair amount of preparation for his petition.

WHEREFORE, Mr. Salas respectfully requests this Court extend the current September 7, 2023 deadline until October 7, 2023.

⁵ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 213.

⁶ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; ECF 217.

⁷ See *USA v. Salas et al.*, 3L98-cr-00166-HEH-1; USCA4 Appeal: 22-6371 Doc: 26-1 and Doc: 26-2.

⁸ See Supreme Court Rule 13.3 ("the time to file the petition for a writ of certiorari ... runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment).

⁹ See Supreme Court Rule 13.5 ([A] Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days).

Respectfully Submitted,
MARIO SALAS
By Counsel

/s/

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CERTIFICATE OF SERVICE

I certify that on this 31st day of August, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification (NEF) to Michael C. Moore, Assistant U.S. Attorney at Mike.C.Moore@usdoj.gov and mailed via USPS to the Supreme Court Court of the United States.

/s/

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