

DOCKET No. _____

IN THE
Supreme Court of the United States

MARGARET A. ALLEN,

Petitioner,

v.

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents.

**APPLICATION FOR SIXTY (60) DAY
EXTENSION OF TIME TO FILE PETITION
FOR A WRIT OF CERTIORARI TO 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:*

1. PETITIONER, Margaret A. Allen (“Ms. Allen”), by and through undersigned counsel, respectfully applies to this Court for an extension of time of sixty (60) days to file her Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit, pursuant to Supreme Court Rule 13. This Court has jurisdiction based on 28 U.S.C. § 1254. In support of her application, Petitioner states as follows:

2. Ms. Allen is an indigent death-sentenced inmate in the custody of the

State of Florida. Ms. Allen was convicted of murder and sentenced to death in the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida.

3. Undersigned counsel of record was appointed to represent Ms. Allen in her postconviction collateral proceedings in the Circuit Court of the Eighteenth Judicial Circuit of Florida, the Supreme Court of Florida, the United States District Court for the Middle District of Florida, and the United States Court of Appeals for the Eleventh Circuit. Undersigned co-counsel was also appointed to represent Ms. Allen in her most recent postconviction collateral proceedings in the United States Court of Appeals for the Eleventh Circuit.

4. This case involves an appeal from the decision of the United States Court of Appeals for the Eleventh Circuit denying Ms. Allen's appeal from the United States District Court for the Middle District of Florida's denial of her 28 U.S.C. § 2254 petition for a writ of habeas corpus. The United States Court of Appeals for the Eleventh Circuit denied Ms. Allen's application for a certificate of appealability ("COA").

5. On April 12, 2023, the United States Court of Appeals for the Eleventh Circuit issued an order denying Ms. Allen's application for COA upon her appeal from the United States District Court for the Middle District of Florida's denial of her 28 U.S.C. § 2254 petition for a writ of habeas corpus (Attachment A).

6. On May 19, 2023, the United States Court of Appeals for the Eleventh Circuit denied Ms. Allen's motion for reconsideration of the order denying her application for COA (Attachment B).

7. Calculating the time for Ms. Allen to file a Petition for a Writ of Certiorari, the 90th day would fall on Thursday, August 17, 2023.

8. Ms. Allen will file a Petition for a Writ of Certiorari in this Court.

9. Petitioner and undersigned counsel shows the following good cause in support of this application to extend the period of time for filing for an additional sixty (60) days.

10. Petitioner's counsel of record and co-counsel, the undersigned, are employed by the Law Office of the Capital Collateral Regional Counsel-Middle Region ("CCRC-M"), a State of Florida governmental agency. Undersigned counsel of record is uniquely qualified to draft the Petition for a Writ of Certiorari based on her lengthy experience of representing Ms. Allen in state and federal courts.

11. CCRC-M has recently experienced attorney resignations which created a larger workload for undersigned counsel. Immediately thereafter, CCRC-M was counsel for multiple Florida defendants subject to active death warrants and the resulting litigation. Both undersigned counsel were counsel on Duane Owen's recent death warrant litigation which commenced on May 9, 2023 and included an increased amount of additional warrant litigation for claims related to Duane Owen's competency to be executed. On May 19, 2023, during the middle of Duane Owen's death warrant period, Ms. Allen's motion for reconsideration of the order denying her application for COA was denied (Attachment B). The death warrant litigation deadlines were extremely accelerated and undersigned counsel only had up until Duane Owen's June 15, 2023 execution date to complete all of the arduous litigation

required in the case. *See Owen v. State*, SC2023-0819, 2023 WL 3914193 (Fla. June 9, 2023), *cert. denied sub nom. Owen v. Florida*, (22A1069), 2023 WL 3988460 (U.S. June 14, 2023); *see also Owen v. State*, 48 Fla. L. Weekly S99 (Fla. June 5, 2023).

12. Therefore, undersigned counsel was unable to devote adequate time to cases other than Duane Owen's case during that time period. Undersigned counsel also has impending deadlines in the other cases that undersigned counsel is responsible for.

13. In addition, undersigned co-counsel will be on maternity leave beginning this month and for the next couple of months thereafter. As a result of co-counsel's maternity leave, undersigned counsel of record's caseload, responsibilities, and amount of litigation will increase until co-counsel's return.

14. As a result, Ms. Allen respectfully requests an extension of sixty (60) days, up until and including October 16, 2023, in order to devote adequate time to the preparation and filing of Ms. Allen's Petition for a Writ of Certiorari.

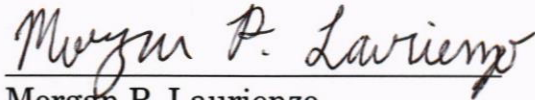
WHEREFORE, Petitioner, through her undersigned counsel, respectfully applies for an extension of time of sixty (60) days within which to file the Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit in the above-styled case.

Respectfully submitted,



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July 10, 2023
Date