

IN THE SUPREME COURT OF THE UNITED STATES

GARNET SMALL, :
Petitioner

VS. : No. _____

UNITED STATES OF AMERICA :

**APPLICATION FOR EXTENSION OF TIME
FOR FILING PETITION FOR WRIT OF CERTIORARI**

Keith M. Donoghue, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30-day extension of time, or until November 6, 2023, for filing a petition for writ of certiorari on behalf of Garnet Small, and in support states:

1. Garnet Small was charged by indictment in the Eastern District of Pennsylvania with one count of possession of a firearm after conviction of a felony, in violation of 18 U.S.C. § 922(g)(1). He pleaded guilty and was thereafter sentenced on March 10, 2022, to 120 months of imprisonment and three years of supervised release.

2. Following Mr. Small's timely notice of appeal, the matter was fully briefed before the Third Circuit Court of Appeals. On July 7, 2023, the court of appeals affirmed the judgment of the district court and issued a non-precedential opinion submitted herewith as Appendix A.

3. Pursuant to Rule 13.1, Mr. Small's petition for writ of certiorari is presently due on October 5, 2023.

4. Counsel respectfully requests an extension of time as he has been occupied with a number of other matters, including *United States v. Stephen Corona*, Third Circuit No. 23-1472, reply brief due September 26, 2023; *United States v. James Perrin*, Third Circuit No. 22-2196, opening brief and joint appendix due October 13, 2023; and *Stacy Gallman v. United States*, Supreme Court No. 22-7539, reply in support of certiorari filed on September 13, 2023.

5. Counsel requests an additional thirty (30) days, or until November 6, 2023 (November 4 being a Saturday), in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Keith M. Donoghue, Assistant Federal Defender, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of Garnet Small, respectfully requests that this Court grant this application for a 30-day extension of time for filing of a petition for writ of certiorari, and order that the petition be filed on or before November 6, 2023.

Respectfully submitted,

/s/ Keith M. Donoghue

KEITH M. DONOGHUE

Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Keith M. Donoghue, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have served a copy of the *Application for Extension of Time for Filing Petition for Writ of Certiorari* upon Assistant United States Attorney Sara Solow, by first class U.S. mail, postage prepaid, to her office located at the United States Attorney's Office, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and upon the Office of the Solicitor General, by first class U.S. mail, postage prepaid at Department of Justice, Room 5614, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

/s/ Keith M. Donoghue
KEITH M. DONOGHUE
Assistant Federal Defender

Date: September 25, 2023