

No.

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In the  
**Supreme Court of the United States**

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MICAH SHERIF MATTHEWS,

PETITIONER,

v.

CHRIS TRIPP,

RESPONDENT.

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**On Petition for a Writ of Certiorari to the  
Eighth Circuit Court of Appeals**

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

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Robert L. Sirianni, Jr., Esquire  
*Counsel of Record*  
BROWNSTONE, P.A.  
P.O. Box 2047  
Winter Park, Florida 32790-2047  
robertsirianni@brownstonelaw.com  
(o) 407-388-1900  
(f) 407-622-1511  
*Counsel for Petitioner*

**To The Honorable Justices of the Supreme Court of the United States**

Pursuant to Rule 30.3 of this Court, Petitioner respectfully requests a 45-day extension of time, to and including November 10, 2023, within which to file a Petition for Writ of Certiorari to review the judgment of the Eighth Circuit Court of Appeals. Absent an extension, Petitioner's Petition would be due 90-days from the Order from the Eighth Circuit Court of Appeals, which is September 26, 2023.

**Basis for Jurisdiction in the Supreme Court**

This Court has jurisdiction to grant an application for a writ of certiorari in this case pursuant to Art. III, Sec. 2, Clause 2, as Petitioner seeks review of a judgment of the United States Eighth Circuit Court of Appeals.

**Opinion and Order**

On June 28, 2023, the Eighth Circuit Court of Appeals entered an order denying Petitioner's case. See *Micah Sherif Matthews v. Chris Tripp*, Case No. 23-1877 (8th Cir. June 28, 2023).

**Judgment Sought to be Reviewed**

The Court's review is warranted to resolve significant issues of law on which the decision below departs from this Court's precedents.

Several issues require this Court's resolution. First, the United States District Court and United States Court of Appeals completely differed to the state court's rulings on the merits. There was no independent review or analysis of the issues contained in Petitioner's second and successive request for post-conviction and

habeas relief. Importantly, there are legitimate claims and genuine disputes over material facts that precluded summary judgment.

Second, the dismissal of his state court claim is contrary to state law; therefore, Petitioner voluntarily dismissed his federal court action to ensure that he exhausted all state remedies. A mode of procedural posture required by 28 U.S.C. 2254. To this end, when Petitioner filed his second state post-conviction action, the Court notified Petitioner's prior counsel and not Petitioner. As such, unbeknownst to Petitioner, his state action was in jeopardy. Lastly, the jury instructions in this case deprived the trial court of jurisdiction. A fundamental error that required adequate review on the merits.

#### **Reasons for Extension of Time**


The additional time is warranted due to significant professional obligations in pending appellate matters and the need to consult and obtain documentary evidence. The legal issues in the case require coordination between counsel and Petitioner. Currently, Petitioner is incarcerated in Iowa State Penitentiary, 2111 330th Avenue, P.O. Box 316, Fort Madison, IA 52627. Counsel has been unable to communicate with Petitioner and is attempting to schedule a call in the near future. This process is lengthened by the custody status of Petitioner, where arranging legal calls has proven to be a cumbersome and lengthy process.

Petitioner believes an extension will result in no prejudice to Respondent.

## CONCLUSION

Petitioner's request is intended to ensure that Petitioner and counsel have adequate opportunity to discuss the merits of their claim, retrieve and review all appellate documents, and provide complete and effective assistance of counsel.

Respectfully submitted,



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Robert L. Sirianni, Jr., Esquire  
Counsel of Record  
BROWNSTONE, P.A.  
P.O. Box 2047  
Winter Park, Florida 32790-2047  
(o) 407-388-1900  
robertsirianni@brownstonelaw.com  
*Counsel for Petitioner*

Dated: July 12, 2023.

## CERTIFICATE OF CONSULTATION

I HEREBY CERTIFY that counsel for Respondent was contacted via electronic mail requesting Respondent's position regarding this extension and Attorney Rogers has no objection.

## CERTIFICATE OF SERVICE

I, Robert L. Sirianni, Jr., hereby certify that an original and 2 copies of the foregoing Application for Extension of Time for the matter of *Micah Sherif Matthews v. Chris Tripp*, were sent via Next Day Service to the U.S. Supreme Court, and 1 copy was sent Next Day Service and email to the following parties listed below, this 12<sup>th</sup> day July 2023.

Aaron James Rogers, Esquire  
Iowa Attorney General's Office  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines, IA 50319-0000  
Tel: (515) 281-5976  
Email: aaron.rogers@ag.iowa.gov



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Robert L. Sirianni, Jr., Esquire

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 23-1877

Micah Sherif Matthews

Appellant

v.

Chris Tripp

Appellee

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Appeal from U.S. District Court for the Southern District of Iowa - Central  
(4:22-cv-00220-JEG)

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**ORDER**

The petition for rehearing by the panel is denied.

June 28, 2023

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans



UNITED STATES DISTRICT COURT  
for the  
**Middle District of Florida**

**CERTIFICATE OF GOOD STANDING**

I, **Elizabeth M. Warren**, Clerk of this Court, do hereby certify that **Robert Lawrence Sirianni**, Florida Bar # **0684716**, was duly admitted to practice in this Court on **July 05, 2007**, and is in good standing as a member of the Bar of this Court.

Dated at: **Orlando, Florida** on June 09, 2023.

