

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

KEVIN MCCALL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

Pursuant to Supreme Court Rules 13.5, 22, and 30, Kevin McCall respectfully requests a sixty-day extension of time, to and including March 25, 2024, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit. Mr. McCall has not previously sought an extension of time from this Court.

Mr. McCall is filing this Application at least ten days before the filing date, which is January 25, 2024. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. McCall appealed following his conviction and sentence for one count of being a felon in possession of a firearm. He challenged the court's denial of his motion to suppress the search of his entire iCloud account, unbounded by any limitations whatsoever. The district court upheld the search on the basis of good faith, which the Eleventh Circuit affirmed. A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

Undersigned counsel will not have sufficient time to prepare and file the petition for writ of certiorari for Mr. McCall by January 25, 2024, as she is currently working on the following other matters, among others: two time-sensitive motions for compassionate release; a motion for a new trial as court-appointed amicus in *United States v. Justin Sigmon*, District Court Case No. 23-cr-20294-KMW; and a complex resentencing in *United States v. James Mathurin*, District Court Case No. 12-cr-20885-RNS.

Undersigned counsel believes that additional time is important to ensure the effective representation of Mr. McCall. No party will be prejudiced by the granting of a sixty-day extension.

Accordingly, since the time within which to file a petition for writ of certiorari in this case will expire on January 25, 2024 unless extended, Mr. McCall respectfully

requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including March 25, 2024.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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