

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

CLIFFORD LAINES, Jr.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI FROM A 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, Mr. Clifford Laines, Jr. respectfully requests a sixty-day extension—through March 31, 2024—of the deadline to file a petition for a writ of certiorari from the final judgment of the United States Court of Appeals for the Eleventh Circuit. This is Mr. Laines’s only extension request.

This case addresses an important issue about the interpretation of “for which a maximum term of imprisonment of ten years or more is prescribed by law,” within the “serious drug offense” definition of the Armed Career Criminal Act, or ACCA. *See* 18 U.S.C. § 924(e)(2)(A)(ii). A jury found Mr. Laines guilty of four criminal charges: (i) two for possession of a firearm and ammunition by a convicted felon, *see* 18 U.S.C. § 922(g)(1); (ii) one for possession with intent to distribute a controlled substance, *see* 21 U.S.C. § 841(a)(1); and (iii) one for possession of a firearm in furtherance of a drug-trafficking crime, *see* 18 U.S.C. § 924(c)(1)(A)(i). The district court subsequently issued its final judgment which convicted Mr. Laines of these crimes and, based on the imprisonment range that had been calculated under the ACCA Sentencing Guideline, imposed 300 months of imprisonment and 60 months of supervised release. Title 28 U.S.C. § 1254(1) would therefore authorize this Court to exercise jurisdiction over the petition Mr. Laines intends to file. *See* S.Ct. R. 13.5.

This Application is timely. It has been filed at least ten days before January 31, 2024, the current petition due date. *See id.*

Finally, there exists good cause not only for an extension of this due date, but specifically for an additional sixty days. *See id.*

Once Mr. Laines’s proceedings in the Court of Appeals had concluded, undersigned counsel turned to filing deadlines in various other cases. These deadlines were for: (i) an initial brief in *United States v. McGee*, No. 23-11525 (11th Cir.), an appeal that followed a jury trial; (ii) a reply brief in *United States v. Douglas*, No. 22-12659 (11th Cir.); (iii) a case-dispositive motion in *United States v. Meyer*, No. 22-CR-

10012 (S.D. Fla.); and (iv) a jurisdictional brief in *Meyer v. State of Florida*, No. SC2023-1568 (Fla.).

Once the last of those briefs was filed—in early-January of 2024—undersigned counsel then began preparation for oral argument in *United States v. Gross*, No. 22-11543 (11th Cir.). This appeal follows a three-day jury trial in the Southern District of Florida and raises five legal issues. Importantly, however, undersigned counsel neither served as Mr. Gross’s trial counsel nor prepared the appellate briefs. And oral argument is scheduled for February 1, 2024—the day after the current writ-petition deadline in this matter. Accordingly, undersigned counsel has devoted as much time as reasonably possible toward reviewing the *Gross* briefs; studying the record; analyzing the issues, pertinent case law, and other authorities; and tailoring such material to his own presentation. This, in turn, has hindered undersigned counsel’s ability to prepare a *meaningful* petition to this Court on Mr. Laines’s behalf.

For the same reasons, any extension less than the full sixty days that are available under Supreme Court Rule 13.5 would be inadequate. Because the government has yet to request an extension of the deadline to file its brief in *McGee*, Mr. McGee’s reply brief likely will become due at or around the end of February of 2024. So, even if Mr. Laines was to be granted, for example, thirty additional days to file a petition in this Court, the resulting deadline of March 1, 2024, would conflict with the *McGee* briefing scheduling.

An additional forty-five days—which would extend the petition deadline to mid-March of 2024—would create conflicts as well. Undersigned counsel is facing a

reply-brief deadline of March 18, 2024, in *United States v. Cenephat*, No. 22-13741 (11th Cir.), another appeal that raises various trial-related issues. Meanwhile, undersigned counsel is tentatively scheduled for surgery on March 12, 2024.

Thus, a sixty-day extension of the time to file Mr. Laines's petition in this Court would be appropriate under the circumstances. *See* S.Ct. R. 13.5. Undersigned counsel reasonably believes that only this amount of time could ensure the effective representation of Mr. Laines and adequate development of his arguments. No party would be prejudiced by the granting of sixty additional days.

Accordingly, since the time within which to file a petition for a writ of certiorari in this case will expire on January 31, 2024, Mr. Laines respectfully requests the entry of an order extending this time by sixty days, up to and through March 31, 2024.

Respectfully submitted,

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