

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

---

DANILO VELASQUEZ—PETITIONER/APPLICANT

VS.

UNITED STATES OF AMERICA—RESPONDENT

APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE  
PETITION FOR WRIT OF CERTIORARI  
TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

Steven S. Lubliner (California State Bar No. 164143)  
LAW OFFICES OF STEVEN S. LUBLINER  
P.O. Box 750639  
Petaluma, CA 94975  
E-mail: [sslubliner@comcast.net](mailto:sslubliner@comcast.net)  
Phone: (707) 789-0516  
Attorney for Petitioner/Applicant Danilo Velasquez

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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

TO THE HONORABLE ELENA KAGAN, SUPERVISING JUSTICE FOR THE U.S.  
COURT OF APPEALS, NINTH CIRCUIT:

Petitioner/appellant Danilo Velasquez (petitioner) is currently confined in a federal Bureau of Prisons facility. Under the amended judgment entered on April 24, 2022, he is serving a sentence of discretionary life in prison on count one, (RICO conspiracy—18 U.S.C. § 1962(d)) plus concurrent terms term of 120 months and 36 months on counts two (conspiracy to commit murder in aid of racketeering—18 U.S.C. § 1959(a)(5)) and three (conspiracy to commit assault with a dangerous weapon in aid of racketeering—18 U.S.C. § 1959(a)(6).) App. 5-12.<sup>1</sup>

On August 16, 2023, a panel of the U.S. Court of Appeals for the Ninth Circuit filed a memorandum decision rejecting petitioner’s argument that resentencing him to life in prison resulted in an unwarranted and impermissible sentencing disparity under 18 U.S.C. § 3553(a)(6). App. 1-3. Petitioner sought rehearing and *en banc* review on this claim, which was denied on October 30, 2023. App. 4.

Petitioner intends to revisit the legal issues implicated in his sentencing disparity claim via a petition for writ of certiorari in this Court. The petition is currently January

---

<sup>1</sup> App.=Attached Appendix.

29, 2024. Pursuant to Supreme Court Rule 13(5), and for the reasons that follow,  
petitioner respectfully applies for a 60-day extension of the due date to March 29, 2024.

Dated: January 18, 2024

/s/Steven S. Lubliner  
Law Offices of Steven S. Lubliner  
P.O. Box 750639  
Petaluma, CA 94975  
Phone: (707) 789-0516  
e-mail: sslubliner@comcast.net

## **JURISDICTION**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The district court had jurisdiction pursuant to 18 U.S.C. § 3231. The U.S. Court of Appeals for the Ninth Circuit had jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742. This application is authorized by U.S. Supreme Court Rule 13(5).

**INDEX TO APPENDICES**

NINTH CIRCUIT MEMORANDUM DECISION  
Filed August 16, 2023 ..... 1

NINTH CIRCUIT ORDER DENYING REHEARING AND EN BANC REVIEW  
Filed October 30, 2023 ..... 4

JUDGMENT OF THE DISTICT COURT  
Filed April 24, 2022..... 5

## ARGUMENT

“For good cause, a Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days.” Supreme Court Rule 13(5). Good cause exists given counsel’s personal circumstances for much of the month of December.

Beginning on December 6, 2023, counsel lost substantial work time due to caregiving obligations for a family member following an accident. Counsel also lost work time due to his own health issues. Additionally, counsel’s home office was largely unavailable to him during this time. These situations all resolved around the new year.

Since then, counsel has prioritized cases with more time-sensitive client considerations. Even with a favorable outcome in this Court, the most relief petitioner will likely get at a later resentencing is a reduction of his life sentence to around thirty years. There is thus no risk of him serving “dead time” by delaying the petition for writ of certiorari by 60 days. In light of this, good cause exists to grant the requested extension.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Petaluma, California.

Dated: January 18, 2024

/s/Steven S. Lubliner  
Law Offices of Steven S. Lubliner  
P.O. Box 750639  
Petaluma, CA 94975  
Phone: (707) 789-0516  
e-mail: sslubliner@comcast.net