

CASE NO. _____ (CAPITAL CASE)

IN THE
Supreme Court of the United States

CLARENCE MACK, Petitioner,

v.

MARGARET BRADSHAW, Warden, Respondent.

CAPITAL CASE: No current execution date

**UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI TO THE
U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Timothy F. Sweeney (OH 0040027)*
MEMBER OF THE BAR OF THIS COURT
LAW OFFICE OF TIMOTHY FARRELL SWEENEY
The 820 Building, Suite 430
820 West Superior Avenue
Cleveland, Ohio 44113-1800
(216) 241-5003
tim@timsweeneylaw.com
*COUNSEL OF RECORD

John B. Gibbons (OH 0027294)
Attorney at Law
55 Public Square, Suite 2100
Cleveland, Ohio 44114
(216) 363-6086
jgibbons4@sbcglobal.net

Counsel for Petitioner Clarence Mack

To the Honorable Brett Kavanaugh, Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

1. For the specific reasons set forth below, Petitioner Clarence Mack respectfully requests, under Supreme Court Rules 13.5, 22, and 30.3, a thirty-day extension of time to file his petition for a writ of certiorari regarding the denial of his petition for habeas corpus relief by the United States Court of Appeals for the Sixth Circuit.

2. An Ohio jury convicted Mack of aggravated murder and recommended a sentence of death. The trial court adopted that recommendation, and the state court affirmed Mack's conviction and death sentence on direct appeal. The Ohio courts also denied Mack's request for postconviction relief.

3. Mack filed an application for a writ of habeas corpus in the U.S. District Court for the Northern District of Ohio (Case No. 1:04-CV-0829), where he was represented by the undersigned counsel appointed under the CJA. Ultimately, the federal district court denied Mack's petition, but it allowed a certificate of appealability ("COA") on two of his constitutional claims.

4. On appeal to the Sixth Circuit, that court expanded the COA to include an additional claim. On December 19, 2023, and after briefing and oral argument, the Sixth Circuit issued its decision affirming the district court's judgment in all respects. A copy of the judgment and opinion is attached. Mack filed a timely request for rehearing with a suggestion for rehearing en banc, which the Court denied by order dated February 15, 2024, also attached.

5. Mack seeks for this Court to review the Sixth Circuit's underlying decision and judgment of December 19, 2023. Jurisdiction in this Court is appropriate under 28 U.S.C. § 1254(1). Under this Court's Rules, Mack's deadline to file a petition for a writ of certiorari following the Sixth Circuit's denial of rehearing and rehearing en banc is May 15, 2024.

6. Mack now seeks an extension of that deadline for an additional thirty (30) days. Good cause exists to justify Mack's requested extension. His counsel require additional time to draft a petition for a writ of certiorari due to their obligations to other capital and non-capital clients in various stages of state and federal litigation. Most pressing, undersigned lead counsel has two substantial capital case filings due, on May 13 and 14, 2024, respectively, in a capital postconviction case in an Ohio trial court (a petition for postconviction relief) and in a capital direct appeal case in the Supreme Court of Ohio (the merits brief), as well as oral arguments as appointed CJA counsel in two federal criminal appeals during the week of April 29 (on April 30 and May 2), both in Nashville, Tennessee. (The Sixth Circuit's oral arguments are in Nashville that week). He also has numerous other pressing matters in the month of May. Co-counsel, likewise, has a very busy docket of criminal appearances and trials during the next several weeks, including, in late May, an aggravated murder trial involving the death of a child and, in late April, trial in a complex gang-related RICO prosecution with eight defendants which involves a significant volume of documents and other evidence.

7. Petitioner Mack's undersigned CJA counsel thus respectfully request an

extension of time to adequately prepare his petition for a writ of certiorari. Counsel has been researching and outlining the petition. However, due to the press of the other obligations noted herein, among others, counsel need the additional time to file the petition. This extension request is not for purposes of delay.

8. Counsel for Respondent Warden, Assistant Attorney General Charles Wille, of the Office of the Ohio Attorney General, has indicated that his office does not oppose this requested 30-day extension.

Therefore, Petitioner Clarence Mack respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari for thirty days, from May 15, 2024 until June 14, 2024.

Respectively submitted,

/s/ Timothy F. Sweeney

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MEMBER OF THE BAR OF THIS COURT
LAW OFFICE OF TIMOTHY F. SWEENEY
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820 West Superior Avenue
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/s/ John B. Gibbons

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55 Public Square, Suite 2100
Cleveland, Ohio 44114
(216) 363-6086
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