

No. _____

In the Supreme Court of the United States

SEAN REILLY,

Petitioner,

v.

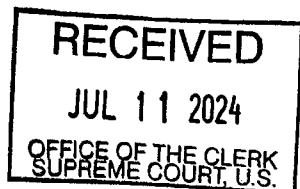
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS
Respondent,

*On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit*

**MOTION TO DIRECT THE CLERK TO FILE
PETITION FOR WRIT OF CERTIORARI
OUT OF TIME**

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July 8, 2024



**MOTION TO DIRECT THE CLERK TO FILE
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OUT OF TIME**

Petitioner Sean Reilly, by and through the undersigned counsel, respectfully submits this Motion to Direct the Clerk to File Petition for Writ of Certiorari Out of Time. The purpose of this motion is to ask this Court to accept Mr. Reilly's petition for writ of certiorari ("Petition") submitted to this Court and served on opposing counsel on June 13, 2024.

As described in the Petition, the judgment of the Eleventh Circuit was entered on February 5, 2024, and on March 14, 2024, the Eleventh Circuit entered an order denying Mr. Reilly's petition for panel rehearing filed out of time with permission from the Eleventh Circuit. On June 13, 2024, undersigned counsel delivered the Petition to a third-party commercial carrier, and according to tracking information provided by the carrier, the Petition was delivered on June 14, 2024. On June 21, 2024, the Clerk informed undersigned counsel that the Petition was due on or before June 12, 2024.

Undersigned counsel understood that pursuant to Supreme Court Rules 13.1 and 13.2, the time to file the Petition was 90 days from the date of the denial of panel rehearing. Undersigned counsel mistakenly understood, however, that pursuant to Supreme Court Rule 30.1, the date of the denial of rehearing would not be included in the 90-day computation as "the day of the act, event, or default from which the designated period begins to run . . ." Thus, undersigned counsel

sincerely but mistakenly believed that the 90-day period did not expire until June 13, 2024, and that the Petition was timely filed.

Undersigned counsel reviewed the above-referenced rules and discussed those rules with Mr. Reilly prior to filing the Petition. The lateness of Mr. Reilly's Petition unquestionably is not Mr. Reilly's fault. That fault lies squarely and only with the undersigned counsel appointed to represent him.

Undersigned counsel humbly and respectfully requests that this Court not penalize Mr. Reilly for a mistake that was in no way his fault, and requests this Court direct the Clerk to file the Petition out of time.

Respectfully submitted,



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