

DOCKET NO. _____
IN THE SUPREME COURT OF THE UNITED STATES

KEVIN DON FOSTER,
Petitioner,
vs.
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

**APPLICATION FOR 60-DAY EXTENSION OF TIME IN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE ELEVENTH CIRCUIT**

CAPITAL CASE

To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

Petitioner, KEVIN DON FOSTER, by and through undersigned counsel, and pursuant to 28 U.S.C. § 2101(d) and Rules 13.5 and 30.2 of this Court, respectfully requests an extension of time of sixty (60) days to file a petition for writ of certiorari to the United States Court of Appeals for the Eleventh Circuit, to and including October 6, 2025.

Mr. Foster is a death-sentenced inmate in the custody of the State of Florida. This Court has jurisdiction to review the decision of the Eleventh Circuit under 28 U.S.C. § 1254(1).

Mr. Foster was convicted of one count of first-degree murder and sentenced to death in the Circuit Court of the Twentieth Judicial Circuit in and for Lee County,

Florida. Mr. Foster is seeking certiorari from the United States Court of Appeals for the Eleventh Circuit's denial of his Application for a certificate of appealability and his Motion for Reconsideration of the March 21, 2025 Order denying the application entered on May, 7, 2025. (Attachments A and B respectively). Mr. Foster sought leave to appeal the district court's denial of his claims that his conviction and death sentence are unconstitutional under the Sixth, Eighth, and Fourteenth Amendments of the United States Constitution in light of this Court's decisions in *Strickland v. Washington*, 466 U.S. 668 (1984); *Murphy v. Florida*, 421 U.S. 794 (1975); *Sheppard v. Maxwell*, 384 U.S. 333 (1966); *Estes v. Texas*, 381 U.S. 532 (1965); *Rideau v. Louisiana*, 373 U.S. 723 (1963); and *Irvin v. Dowd*, 366 U.S. 717 (1961). *See Foster v. Sec'y, Fla. Dep't of Corr.*, No. 2:14-cv-597-JES-KCD, 2023 WL 7131841 (M.D. Fla. Oct. 30, 2023).

Mr. Foster's time to petition for certiorari in this Court regarding the Eleventh Circuit's decision expires on August 5, 2025. *See* Supreme Court Rule 13.3; 30.1. This application for a sixty-day extension is being filed more than ten days before that date. Undersigned counsel shows the following good cause in support of this request.

Mr. Foster is represented by the Office of the Capital Collateral Regional Counsel – South (CCRC-South), a Florida state agency charged with the responsibility of representing indigent death row inmates. Undersigned counsel is assigned lead counsel for Mr. Foster's postconviction matters and carries a significant caseload of capital postconviction cases and non-capital appellate and postconviction cases.

Counsel's ability to prepare a petition for certiorari in this case has been hindered due to obligations in other cases that preceded this matter. Counsel has an attempted murder case set for trial in Florida State court in September and is preparing for a juvenile review hearing on a murder case, also in Florida State court. Additionally, due to the unprecedented rapid signing of death warrants by the Florida Governor, which set a mere 30 days from warrant signing to execution and appear to be randomly selected, counsel has been preparing her warrant eligible cases so that she will be prepared should the Governor sign an execution warrant on one of her clients.

Due to undersigned counsel's heavy caseload, counsel has not had the ability to prepare a proper petition for writ of certiorari in Mr. Foster's case. If the sixty-day extension of time is granted, counsel's intention is to file a petition for certiorari on or before October 4, 2025.

WHEREFORE, Mr. Foster respectfully requests that an order be entered extending his time to petition for certiorari to and including October 4, 2025.

Respectfully submitted,

/s/ Marie-Louise Samuels Parmer
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