

No.

IN THE
SUPREME COURT OF THE UNITED STATES

CARLOS DANIEL CANARIO-VILOMAR

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI TO 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

HECTOR A. DOPICO
Federal Public Defender

TRACY DREISPUL
Assistant Federal Public Defender
150 West Flagler Street, Suite 1500
Miami, Florida 33130-1555
Telephone No. (305) 536-6900

INTERESTED PARTIES

There are no parties to the proceeding other than those named in the caption of the case.

Jesus Calle-Balbin and Jose Antonio Canario-Vilomar were Mr. Canario-Vilomar's co-defendants in the district court. On appeal, Mr. Canario-Vilomar's case was consolidated with the appeal of Antonio Lemus, 11th Cir. No. 22-13554.

**PETITIONER’S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Petitioner Carlos Canario Vilomar respectfully requests that the time to file a Petition for Writ of Certiorari in this case be extended for sixty days, up to and including September 25, 2025.

Basis for Jurisdiction

1. On January 21, 2022, an indictment was returned in the United States District Court for the Southern District of Florida, charging Applicant Carlos Daniel Canario-Vilomar with one count of conspiracy and one count of possession with intent to distribute cocaine while on board a vessel subject to the jurisdiction of the United States, in violation of 46 U.S.C. §§ 70503(a)(1) and (b)(6) (the “Maritime Drug Law Enforcement Act” or “MDLEA”). (DE25).

2. The district court exercised jurisdiction pursuant to 18 U.S.C. § 3231 because Mr. Canario-Vilomar was charged with offenses against the laws of the United States.

3. Mr. Canario-Vilomar pled guilty to the conspiracy count pursuant to a written plea agreement, and was sentenced to 120 months’ imprisonment. (DE 44, 86).

4. Mr. Canario-Vilomar appealed his conviction to the United States Court of Appeals for the Eleventh Circuit in accordance with 28 U.S.C. § 1291.

5. On February 18, 2025, the Eleventh Circuit issued a published opinion affirming Mr. Canario-Vilomar's conviction. *United States v. Canario-Vilomar*, 128 F.3th 1374 (11th Cir. 2025).

6. Mr. Canario-Vilomar filed a timely petition for rehearing, which was denied by the Eleventh Circuit on April 28, 2025.

7. This Court's jurisdiction may be invoked by the timely filing of a petition for certiorari within 90 days of April 28, 2025. *See* 28 U.S.C. § 1254(a); Sup. Ct. R. 13.3. Thus, Mr. Canario-Vilomar's petition for certiorari is due on July 27, 2025.

Judgment to Be Reviewed

8. A copy of the judgement to be reviewed, *United States v. Canario-Vilomar*, 128 F.3th 1374 (11th Cir. 2025), is attached hereto as Appendix A. A copy of the Eleventh Circuit's order denying rehearing is attached as Appendix B.

Reasons for Granting the Extension

9. This case presents important and unanswered questions of Federal constitutional law regarding the scope of Congress' powers to prosecute "Felonies committed on the high Seas" under U.S. CONST. art. I, § 8, cl. 10.

10. Mr. Canario-Vilomar's petition is currently due on July 27, 2025.

11. The undersigned counsel is respectfully seeking additional time in which to file Mr. Canario-Vilomar's petition for certiorari due to numerous other professional obligations, which have delayed her ability to begin preparation of Mr. Canario-Vilomar's petition.

12. Specifically, in the time since Mr. Canario-Vilomar's petition for rehearing was denied by the court of appeals, the undersigned has filed a reply brief in *United States v. Sumoza-Padron*, No. 22-14115 (11th Cir. May 8, 2025); a reply brief in *United States v. Rizo*, No. 24-11349 (11th Cir. May 9, 2025); the initial brief in *United States v. Epieyu Epieyu*, No. 22-13950 (11th Cir. June 18, 2025); the reply brief in *United States v. Arregoces Barros*, No. 22-12552 (11th Cir. June 18, 2025); a motion for a certificate of appealability in *Granda v. United States*, No. 25-11754 (11th Cir. June 23, 2025); a response in opposition to the United States' motion to stay in *Rizo*, No. 24-11349 (11th Cir. June 23, 2025); and the undersigned is currently working on the initial brief in *United States v. Barry*, No. 25-10391, which is due to the Eleventh Circuit after a prior extension, on August 4, 2025.

13. The undersigned was out of the office serving as faculty at a training seminar from June 25-27, 2025, and will be out of the office again attending a training seminar from July 10-12, 2025.

14. Additionally, the undersigned is moving residences and plans to be out of the office during the week of July 28-August 1, 2025.

15. For these reasons, the undersigned counsel is respectfully seeking an additional period of 60 days in which to file Mr. Canario-Vilomar's petition for certiorari.

16. No party will be prejudiced by the delay.

17. Wherefore, Mr. Canario-Vilomar respectfully requests that an order be entered extending his time to file a petition for a writ of certiorari by sixty days, to and including September 25, 2025.

Respectfully submitted,

HECTOR A. DOPICO
FEDERAL PUBLIC DEFENDER

/s/ Tracy Dreispul
TRACY DREISPUL
Assistant Federal Public Defender
150 West Flagler Street, Suite 1500
Miami, Florida 33130-1555
Telephone No. (305) 530-6900

July 9, 2025