

No. 17-_____

IN THE
Supreme Court of the United States

QUIYONTAY SANDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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**MOTION FOR EXTENSION OF TIME TO FILE
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TO THE HONORABLE CLARENCE THOMAS,
Associate Justice of the Supreme Court of the United
States, and Circuit Justice for the United States Court of
Appeals for the Eleventh Circuit:

COMES NOW, Petitioner Quiyontay Sanders, by and
through undersigned counsel, and pursuant to 28 U.S.C.
§ 2101(c) and Supreme Court Rule 13.5, and respectfully
requests a 60 day extension of time within which to file his
Petition for a Writ of Certiorari in this Court. Other
obligations of counsel will prevent the completion of the
petition by the current due date of January 3, 2018. As set
forth below, this direct appeal of a federal criminal case
presents a question, following the Court's decision in
Puerto Rico v. Sanchez Valle, et al., 136 S.Ct. 1863 (2016),
whether a federal prosecution following a successful state
prosecution for the same conduct violates the Double
Jeopardy Clause of the Fifth Amendment.

On November 8, 2016, Petitioner was found guilty after
a stipulated facts bench trial of being a felon in possession
of a firearm in violation of 18 U.S.C. § 922(g)(1). Petitioner
was sentenced to one year and one day of imprisonment to
be followed by three years of Supervised Release. Prior to
facing this federal charge, Petitioner had already been
charged, convicted, and sentenced in the state for the same
felon-in-possession offense, and had fully served his
custodial state sentence.

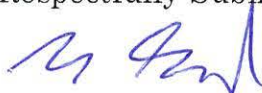
A timely filed appeal was denied in a non-published opinion on October 5, 2017. *United States v. Sanders*, Docket 17-10596 (Attachment A). Using the normal timing rules, Mr. Sanders has until January 3, 2018, in which to file a Petition for a Writ of Certiorari in this Court. However, a Circuit Justice of this Court is authorized to grant an extension of time to file such a Petition for good cause, so long as the request for more time is filed at least ten days before the Petition is otherwise due. 28 U.S.C. § 2101(c); Supreme Court Rule 13.5. For the reasons set out below, undersigned Counsel asks for an additional 60 days for filing the Petition on behalf of Mr. Sanders.

Undersigned counsel has pressing professional obligations that make it extremely difficult to file the Petition in this case on or before its current due date of January 3, 2018. Counsel for Petitioner is a federal public defender handling a full caseload of federal criminal cases, including several appeals with briefs due to be filed or oral arguments scheduled in January.

A Petition for a Writ of Certiorari is essential in this case because it presents an important question regarding Double Jeopardy and whether Mr. Sanders' constitutional rights were violated when he was prosecuted, convicted, and punished federally following a state prosecution for the same conduct. As comments by a Justice of this Court raise the question whether the "dual sovereign" doctrine serves the objective of the Double Jeopardy Clause and warrants re-examination, this case presents a substantial issue that is ripe for this Court's consideration.

WHEREFORE, Petitioner respectfully requests that the Court grant him an additional 60 days to file his petition.

Respectfully Submitted,



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