

OCTOBER TERM 2017

IN THE
SUPREME COURT OF THE UNITED STATES

TIMOTHY SEWELL,
Petitioner,

v.

UNITED STATES,
Respondent

On Petition for a Writ of Certiorari
to the Court of Appeals for the Eleventh Circuit

APPLICATION TO THE HONORABLE JUSTICE CLARENCE THOMAS
FOR EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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To the Honorable Justice 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:

Petitioner, by undersigned counsel, pursuant to Supreme Court Rules 13.5
and 30.2, respectfully requests that this Court grant him a sixty (60) day extension
within which to file a Petition for a Writ of Certiorari to the Court of Appeals for the

Eleventh Circuit. Mr. Sewell was represented by the Federal Defender's Office in the District Court and the Court of Appeals.¹

The Eleventh Circuit's opinion in this case was issued on October 20, 2017.² No rehearing was sought, rendering the petition for writ of certiorari due on or before January 18, 2018. This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

Supreme Court Rule 13.5 permits a Justice of this Court, "for good cause" to extend the time to file a petition for a writ of certiorari for a period not exceeding sixty (60) days. The application must be received by the Clerk at least ten (10) days before the petition is due, except in extraordinary circumstances.³ This request for an extension of time is being filed through the Court's electronic filing system 14 days before the petition is due.

Undersigned counsel believes that there is good cause to justify the requested extension of time. Undersigned counsel represents a number of Alabama inmates under a death sentence. Counsel is also involved in extensive litigation challenging Alabama's method of execution, conducting discovery and pretrial motion practice in a consolidated case pending in the District Court of the Middle District of Alabama.⁴

¹ See Exhibit A.

² See Exhibit B.

³ Rule 30.2.

⁴ *In re Alabama Lethal Injection Protocol Litigation*, 2:12-cv-316-WKW (M.D. Ala.).

Petitioner respectfully requests that an order be entered extending his time to petition for certiorari by sixty (60) days, up to and including March 19, 2018.

Respectfully submitted,

John Anthony Palombi
Counsel of Record
Assistant Federal Defender
Federal Defenders
Middle District of Alabama
817 S. Court Street
Montgomery, Alabama 36104

CERTIFICATE OF SERVICE

I, John A. Palombi, a member of the Bar of this Court, hereby certifies that on January 4, 2018, this pleading was filed with the Court through its electronic filing system and served on previous counsel for the United States via Electronic Mail.

John Anthony Palombi
Counsel of Record
Assistant Federal Defender
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Middle District of Alabama
817 S. Court Street
Montgomery, Alabama 36104