

**IN THE SUPREME COURT OF THE UNITED STATES
CASE NO. _____**

JAMES MELVIN SMITH,

Petitioner,

v.

COMMONWEALTH OF PENNSYLVANIA,

Respondent.

**MOTION FOR EXTENSION OF TIME FOR THE FILING OF
PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

PETITIONER, James Melvin Smith, through undersigned counsel, respectfully moves for an extension of sixty (60) days to prepare and file his Petition for Writ of Certiorari to the order of the United States Court of Appeals for the Third Circuit, *Smith v. Sec'y Pa. Dept. of Corr.*, D.C. Civ. No. 2-13-cv-02410, dated October 13, 2017 (Appendix A), *rehearing denied*, December 21, 2017 (Appendix B). In support thereof, Petitioner respectfully submits as follows:

1. This is a habeas corpus case brought by a Pennsylvania state prisoner serving a sentence of life without parole. The United States District Court denied relief on all of Petitioner's claims. Petitioner appealed, and the Third Circuit affirmed.
2. Petitioner, through undersigned counsel, wishes to file a Petition for Writ of Certiorari and to seek this Court's review of that decision.
3. Petitioner's counsel cannot meaningfully prepare a professionally appropriate Petition by its current due date of February 19, 2018. Counsel is a member of a defender services office responsible for numerous capital cases that have competing deadlines, including

statutory deadlines, in various federal and state courts this winter. Given several pressing circumstances, Petitioner cannot meaningfully prepare a professionally appropriate Petition by its current due date.

4. Under these circumstances, the undersigned most respectfully requests that the Court grant this Motion and extend the date on which to file the Petition for Writ of Certiorari by sixty (60) days, from February 9, 2018, to April 10, 2018.

5. This request is made more than ten (10) days prior to the filing deadline herein and is timely.

6. The granting of this request shall cause no prejudice to the Commonwealth.

7. This request is made in good faith and is not predicated on an intent to delay.

WHEREFORE, Petitioner prays that the Court allow a sixty (60) day extension for the preparation and filing of his Petition for Writ of Certiorari.

Respectfully submitted,

KERRY GERACE LEVY*
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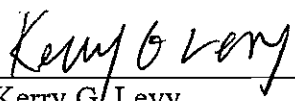
Counsel for Petitioner, James Melvin Smith
* member of the bar of this Court

Dated: February 9, 2018

CERTIFICATE OF SERVICE

I, Kerry Gerace Levy, certify that on this date, I caused a copy of the foregoing *Motion for Extension of Time for the Filing of Petition for Writ of Certiorari* to be served by FIRST CLASS MAIL upon the following person:

Joshua Goldwert, Esquire
Federal Litigation Unit
Office of the Philadelphia District Attorney
3 Penn Square South
Philadelphia PA 19103



Kerry G/ Levy

Dated: February 9, 2018