

NO:
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2017

JAY ANTHONY RICHITELLI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM THE
JUDGMENT OF 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**

Pursuant to Rules 13.5, 22, and 30.3 of the Rules of the Supreme Court of the United States, Jay Richitelli respectfully requests a 60-day extension of time, to and including January 25, 2018, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit. Mr. Richitelli has not previously sought an extension of time from this Court.

Petitioner is filing this Application at least ten days before the filing date, which is January 25, 2018. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Richitelli filed a notice of appeal on January 27, 2017 in the Eleventh Circuit Court of Appeals, Eleventh Circuit Case No. 17-10482, requesting a certificate of appealability following the denial of his 28 U.S.C. motion to vacate, set aside or correct his sentence in light of *Johnson v. United States*, 135 S.Ct. 2551 (2015). The Eleventh Circuit issued an Order denying Mr. Richitelli's request for certificate of appealability on October 25, 2017. A copy of the Court of Appeals' Order denying the certificate of appealability is attached as Exhibit A. Unless extended, the time within which Mr. Richitelli must file a petition for writ of certiorari will expire on January 25, 2018.

Undersigned counsel has the following other matters: Jury trials set to begin in the district court on January 22, 2018 and on February 5, 2018, respectively in *United States v. Myriam Etienne*, 17-60225-CR-Bloom and *United States v. Victor Spagnuolo*, 17-60263-CR-Bloom. Counsel believes that additional time will be important for the effective representation of Mr. Richitelli. No party will be prejudiced by the granting of a 60-day extension.

Accordingly, Petitioner respectfully requests that an order be entered extending the time to file a petition for writ of certiorari by sixty days, to and including January 25, 2018.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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January 12, 2018