

No. _____

IN THE
Supreme Court of the United States

CARLINGTON CRUICKSHANK,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Clarence Thomas, Justice of the United States and Circuit Justice for the Eleventh Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Carlington Cruickshank, through undersigned counsel, respectfully requests a 30-day extension of time, to and including May 14, 2018, in which to file a petition for a writ of certiorari from the judgment entered by the United States Court of Appeals for the Eleventh Circuit.¹ Mr. Cruickshank has not previously sought an extension of time before this Court.

1. Mr. Cruickshank, a Jamaican citizen, was interdicted on a vessel in international waters and prosecuted in the United States District Court for the Middle District of Florida under

¹ Mr. Cruickshank's petition is currently due on April 12, 2018, and 30 days from that date falls on Saturday, May 12. Mr. Cruickshank is therefore requesting an extension of time until Monday, May 14. See Supreme Court Rule 30.1.

the Maritime Drug Law Enforcement Act. The district court originally sentenced Mr. Cruickshank to 27 years in prison.

2. On appeal to the Eleventh Circuit, Mr. Cruickshank challenged the constitutionality of his convictions and the determination of this sentencing guidelines range. In *United States v. Cruickshank*, 837 F.3d 1182 (11th Cir. 2016), *cert. denied*, 137 S. Ct. 1435 (2017), the Eleventh Circuit affirmed Mr. Cruickshank's convictions but remanded for resentencing.

At resentencing, the district court resentedenced Mr. Cruickshank to 20 years in prison. Mr. Cruickshank thereafter appealed to the Eleventh Circuit, again challenging the constitutionality of his convictions and the sentence imposed. The Eleventh Circuit affirmed. Its opinion, entered on January 12, 2018, is attached.

3. This Court has jurisdiction over Mr. Cruickshank's case pursuant to 28 U.S.C. § 1254(1). Mr. Cruickshank's petition for a writ of certiorari is currently due on April 12, 2018. Mr. Cruickshank is therefore filing this request at least ten days before the current deadline.

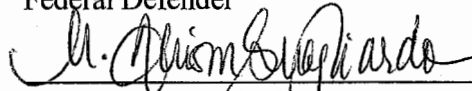
4. Mr. Cruickshank respectfully requests a 30-day extension of time in which to file a petition for writ of certiorari in light of undersigned counsel's other case-related duties and the significance of the constitutional issues in Mr. Cruickshank's case. Among other matters, undersigned counsel is currently preparing for a hearing in a voluminous and complex 28 U.S.C. § 2255 proceeding, which is scheduled on March 16, 2018. Counsel also has briefs due before the Eleventh Circuit on March 19, 2018, and on April 9, 2018, in unrelated direct appeals challenging (among other issues) sentences imposed under the Armed Career Criminal Act. In No. 17-7521, pending before this Court, the government's brief is due on March 23, 2018, and counsel anticipates filing a reply shortly thereafter. Counsel is also working on a petition for writ

of certiorari that is due to this Court in another case on March 28, 2018.² Accordingly, additional time is necessary to afford Mr. Cruickshank his Sixth Amendment right to effective assistance of counsel in preparing the instant petition.

Based on the foregoing, Carlington Cruickshank respectfully requests that this Court extend the time to file a petition for a writ of certiorari by 30 days, to and including May 14, 2018.

Respectfully submitted,

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Federal Defender



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² Counsel has another petition for a writ of certiorari due to this Court on April 9, 2018. Counsel is requesting a 30-day extension of time in that case.