

CAPITAL CASE

22 –

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2021

Mikal D. Mahdi,

Applicant/Petitioner

v.

Bryan Stirling, Commissioner, South Carolina Department of Corrections; and
Lydell Chestnut, Deputy Warden, Broad River Correctional Institution,

Respondents

Application for an Extension of Time Within
Which to File a Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

APPLICATION TO THE HONORABLE CHIEF JUSTICE
JOHN ROBERTS AS CIRCUIT JUSTICE

E. CHARLES GROSE
GROSE LAW FIRM
404 Main Street
Greenwood, South Carolina 29646
(864) 538-4466

Attorney for Applicant-Petitioner
Counsel of Record

June 24, 2022

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Mikal D. Mahdi requests a 60-day extension of his time to file a petition for a writ of certiorari, up to and including September 6, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The opinion and judgment for which review is sought is *Mahdi v. Stirling*, 20 F.4th 846 (2021) (attached as Exhibit 1). The U.S. Court of Appeals for the Fourth Circuit denied Applicant's Petition for Rehearing *En Banc* on April 8, 2022 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before July 7, 2022. In accordance with Rule 13.5, this application is being filed more than ten days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant, a death-sentenced prisoner in South Carolina, respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the U.S. Court of Appeals for the Fourth Circuit, up to and including September 6, 2022.

1. On June 14, 2022, the U.S. District Court for the District of South Carolina appointed David Weiss, an attorney with the Fourth Circuit Capital Habeas Unit, to represent Mr. Mahdi pursuant to 18 U.S.C. § 3599. Undersigned counsel has accordingly requested Mr. Weiss's assistance in the preparation of this petition. An extension will permit the attorneys the

time necessary to complete a well-researched and thorough petition in consultation with the Capital Habeas Unit.

2. An extension of time is also necessary due to undersigned counsel's other pressing client business. Undersigned counsel Grose is a small law firm owner who handles legal work on behalf of criminal defense clients; he has a statewide trial, appellate, and post-conviction practice. In addition to numerous court appearances, Mr. Grose has recently filed petitions for writs of certiorari in the South Carolina Supreme Court in *State v. Moore*, Appellate Case No. 2022-000621, on May 23, 2022 and *K.C. Langford v. State*, Appellate Case No. 2021-001426, on June 13, 2022. He also assisted with numerous filings in *Stanko v. Stirling* in the District Court (No. 1:19-cv-03257-RMG) and in the Fourth Circuit Court of Appeals (No. 22-2 (interlocutory appeal)), with a joint appendix and opening brief due on June 27, 2022. He has felony jury trials scheduled for the weeks of July 25, 2022 in *State v. Anderson*, Case No. 2016-A24-201-00772-73 and August 15, 2022 in *State v. Hurley*, Case No. 2020A2410200383-85.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests this Court grant an extension of 60 days, up to and including September 6, 2022, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,



E. CHARLES GROSE
GROSE LAW FIRM
404 Main Street
Greenwood, South Carolina 29646
(864) 538-4466

Attorney for Applicant-Petitioner
Counsel of Record