

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

TYSON MARTIN,
Petitioner,

v.

RICKY D. DIXON,
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE ELEVENTH CIRCUIT
COURT OF APPEALS

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

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Counsel for the Petitioner

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

Introduction

Pursuant to this Court's Rule 13.5, the Petitioner, Tyson Martin, respectfully requests a thirty-day extension of time within which to file a petition for a writ of certiorari in this Court, to and including November 23, 2022.

Jurisdiction

The order of the Eleventh Circuit Court of Appeals denying a certificate of appealability following the denial of the Petitioner's 28 U.S.C. § 2254 petition was entered on July 26, 2022. Unless extended, the time within which to file a petition for a writ of certiorari would expire on October 24, 2022.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). A copy of the order of the Eleventh Circuit Court of Appeals is included in the appendix to this motion.

Argument

The issue in this case is whether the court of appeals improperly denied a certificate of appealability.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, during the next two months, undersigned counsel

will be attending two oral arguments before a Florida district court of appeal and seven postconviction evidentiary hearings before Florida circuit courts.¹

Additionally, since the Eleventh Circuit Court of Appeals entered the order denying the request for a certificate of appealability, undersigned counsel has participated in four postconviction evidentiary hearings before Florida circuit courts, one oral argument before a Florida district court of appeal, and was out of his office while traveling to and lecturing at a continuing legal education seminar.

Therefore, the Petitioner requests an extension of thirty days to file the petition for a writ of certiorari. No party will be prejudiced by the granting of a thirty-day extension in this case.

Accordingly, the Petitioner respectfully requests that an order be entered extending the time to petition for writ of certiorari by thirty days.

¹ On November 8, 2022, undersigned counsel will appear at two oral arguments before the Florida Fifth District Court of Appeal, in *Espurvoa v. State*, case number 5D21-2001 and in *Roth v. State*, case number 5D21-2448.

Undersigned counsel will appear at postconviction evidentiary hearings on: 1) October 7, 2022, in *State v. Leonard*, case number 2018-MM-12776, pending before the Duval County Court, Jacksonville, Florida; 2) October 13, 2022, in *State v. Booth*, case number 2012-CF-30612, pending before the Florida Seventh Judicial Circuit Court (Volusia County); 3) October 18, 2022, in *State v. Reed*, case number 2013-CF-255, pending before the Florida Fourteenth Judicial Circuit Court (Washington County); 4) October 28, 2022, in *State v. McCann*, case number 2014-CF-1226, pending before the Florida Twentieth Judicial Circuit Court (Collier County); 5) November 9, 2022, in *State v. Rollins*, case number 2004-CF-162B, pending before the Florida Second Judicial Circuit Court (Leon County); 6) November 16 2022, in *State v. Pittman*, case number 2015-CF-634, pending before the Florida Fourteenth Judicial Circuit Court (Jackson County); and 7) December 6, 2022, in *State v. Scott*, case number 2014-CF-8780, pending before the Florida Eleventh Judicial Circuit Court (Miami-Dade County).

Respectfully submitted,

/s/ Michael Ufferman

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CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 3rd day of October, 2022, a copy of this Application For Extension of Time To File A Petition For A Writ Of Certiorari in the above-entitled case was mailed, first class postage prepaid, to the Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman
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