

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

ANTONIO ROSELLO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME 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 Supreme Court Rules 13.5, 22, and 30, Antonio Rosello respectfully requests a sixty-day extension of time, to and including March 20, 2023, 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. Rosello has not previously sought an extension of time from this Court.

Mr. Rosello is filing this Application at least ten days before the filing date, which is January 19, 2023. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Rosello appealed the district court's denial of his second or successive motion to vacate his convictions for conspiring to use and carry, and for using and carrying, a firearm during and in relation to a crime of violence, 18 U.S.C. §§ 924(c) and (o). He sought vacatur based on this Court's opinion in *United States v. Davis*, 139 S. Ct. 2319 (2019). The Eleventh Circuit affirmed the district court's denial of Mr. Rosello's § 2255 motion, finding that Mr. Rosello had procedurally defaulted his argument for relief. A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

Undersigned counsel will not have sufficient time to prepare and file the petition for writ of certiorari for Mr. Rosello by January 19, 2023, as she is currently working on the following other matters, among others: an initial brief in *United States v. Sean Bindranauth*, Appeal Case No. 22-10944 (due January 30, 2023); an initial brief in *United States v. Kyle Melkonian*, Appeal Case No. 22-13543 (due January 30, 2023); an oral argument in *James Mathurin v. United States*, Appeal Case No. 20-14695 (set for January 26, 2023); and objections to a report and recommendation in *Lourdes Margarita Garcia v. United States*, District Court Case No. 20-cv-21971-KMM (due February 2, 2023).

Undersigned counsel believes that additional time is important to ensure the effective representation of Mr. Rosello. No party will be prejudiced by the granting of a sixty-day extension.

Accordingly, since the time within which to file a petition for writ of certiorari in this case will expire on January 19, 2023 unless extended, Mr. Rosello respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including March 20, 2023.

Respectfully submitted,

MICHAEL CARUSO
FEDERAL PUBLIC DEFENDER

By: /s/Anshu Budhrani
Anshu Budhrani
Assistant Federal Public Defender
Counsel of Record
Florida Bar No. A5502390
150 West Flagler Street, Suite 1700
Miami, Florida 33130
Telephone No. (305) 530-7000
Anshu_Budhrani@fd.org

January 5, 2023