

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ALAN OSTERHOUDT, JR.,
Petitioner,

v.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent.

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

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

MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
2202-1 Raymond Diehl Road
Tallahassee, Florida 32308
Florida Bar # 114227
(850) 386-2345
Email: ufferman@uffermanlaw.com

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, Alan Osterhoudt, Jr., 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 January 3, 2024.

Jurisdiction

The order of the Eleventh Circuit Court of Appeals affirming the denial of the Petitioner's 28 U.S.C. § 2254 petition was entered on September 5, 2023. Unless extended, the time within which to file a petition for a writ of certiorari would expire on December 4, 2023.

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 Petitioner's request for a certificate of appealability was improperly denied.

Unfortunately undersigned counsel's schedule requires him to seek an extension of time in this case. In particular, since the Eleventh Court of Appeals entered its

order, undersigned counsel has participated in: four oral arguments before Florida district courts; four postconviction evidentiary hearings before Florida circuit courts; three motion hearings before Florida circuit courts; lectured at one continuing legal education seminar; and attended one Florida Bar committee meeting.

Additionally, during the next two months, undersigned counsel will be attending one evidentiary hearing before a federal district court, two motion hearings before Florida circuit courts, four postconviction evidentiary hearings before Florida circuit courts, and he will also be attending one Florida Bar committee meeting and speaking at one continuing legal education seminar.¹

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.

¹ Undersigned counsel will appear at an evidentiary hearing on December 8, 2023, in *McGill v. Ricky D. Dixon, Secretary, Florida Department of Corrections*, case no. 4:21-cv-406, pending in the United States District Court, Northern District of Florida.

Undersigned counsel will appear at motions hearings on: 1) November 30, 2023, in *State v. Faherty*, case number 2019-CF-993, pending in the Florida Twentieth Judicial Circuit Court (Collier County) and 2) December 13, 2023, in *State v. Koikos*, case number 2019-CF-1157, pending in the Florida Second Judicial Circuit Court (Leon County).

Undersigned counsel will appear at postconviction evidentiary hearings on: 1) December 7, 2023, in *State v. Cuomo*, case number 2009-CF-958, pending in the Florida Fourteenth Judicial Circuit Court (Bay County), 2) December 11, 2023, in *State v. Stoffel*, case number 2014-CF-1876, pending in the Florida First Judicial Circuit Court (Okaloosa County), 3) December 12, 2023, in *State v. Cronkrite*, case number 2019-CF-3303, pending in the Florida Fifth Judicial Circuit Court (Marion County), and 4) December 14, 2023, in *State v. Tate*, case number 2011-CF-3552, pending in the Florida Second Judicial Circuit Court (Leon County).

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

Respectfully submitted,

/s/ Michael Ufferman

MICHAEL UFFERMAN

CERTIFICATE OF SERVICE

I, Michael Ufferman, a member of the Bar of this Court, hereby certify that on the 15th day of November, 2023, 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, 444 Seabreeze Boulevard, Floor 5, Daytona Beach, Florida 32118 (counsel for the Respondent herein). I further certify that all parties required to be served have been served.

/s/ Michael Ufferman
MICHAEL UFFERMAN
Michael Ufferman Law Firm, P.A.
2202-1 Raymond Diehl Road
Tallahassee, Florida 32308
Florida Bar # 114227
(850) 386-2345
Email: ufferman@uffermanlaw.com

Counsel for the Petitioner