

No.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2023

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HARVEY WINDSOR,

Petitioner,

v.

ATTORNEY GENERAL, STATE OF ALABAMA, et. al.

Respondents.

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Application for an Extension of Time  
to File a Petition for a Writ of Certiorari to the  
Eleventh Circuit Court of Appeals

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

Pursuant to Rules 13.5 and 30 of the Rules of this Court, Applicant Harvey Windsor respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari up to and including Thursday, March 28, 2024:

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1).

2. On January 13, 2023, a single judge of the United States Court of Appeals for the Eleventh Circuit denied Mr. Windsor's motion for a certificate of appealability. *Windsor v. Attorney General, State of Alabama, et. al.*, No. 21-11517 (11th Cir. Jan. 13, 2023). (Attached as Exhibit 1). On November 29, 2023, Mr. Windsor's motion for reconsideration of the denial of a certificate of appealability was denied. (Attached as Exhibit 2).

3. Pursuant to 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 February 27, 2024. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

4. This is a capital case in which the death penalty has been imposed. Mr. Windsor is incarcerated at Holman Correctional Facility in Atmore, Alabama. No execution date has been scheduled in this case.

5. Petitioner's case raises meritorious issues regarding the constitutionality and reliability of his capital conviction and death sentence. As such, there are compelling reasons about whether the Eleventh Circuit properly denied Mr. Windsor's motion for a certificate of appealability.

6. Undersigned counsel currently is involved in the appeals of many capital cases: several habeas corpus cases in the federal district courts, postconviction cases in Alabama state courts, and several direct appeals to the

Alabama Court of Criminal Appeals and the Alabama Supreme Court. Counsel faces a number of deadlines in these cases in the coming weeks.

7. An additional thirty (30) days is needed to prepare a pleading that adequately apprises this Court of the relevant facts and law in this case.

For these reasons, Mr. Windsor respectfully requests an additional thirty (30) days in which to file his petition for a writ of certiorari, thereby changing to March 28, 2024, the date on or by which it must be filed.

Respectfully submitted,

/s/ Angela L. Setzer  
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February 14, 2024

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