

No. 25-

IN THE SUPREME COURT OF THE UNITED STATES
October term 2024

Nashaun Drake,

Petitioner

v.

United States of America,

Respondent.

**Application for Extension of Time Within Which to File for a Writ of
Certiorari to the Court of Appeals for the Sixth Circuit**

**APPLICATION TO THE HONORABLE JUSTICE
BRETT KAVANAUGH AS CIRCUIT JUSTICE**

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APPLICATION FOR AN EXTENSION OF TIME

Petitioner Nashaun Drake was convicted of five counts of possession with the intent to distribute a controlled substance and sentenced to 200 months in federal prison. Petitioner filed a direct appeal to the Sixth Circuit Court of Appeals, which affirmed. *United States v. Nashaun Drake*, 126 F.4th 1242 (6th Cir. 2025) (attached as Exhibit A). The Sixth Circuit denied Petitioner's request for rehearing en banc on March 28, 2025, *United States v. Nashaun Drake*, No. 23-3304, 2025 WL 1165890, (6th Cir. Mar. 28, 2025) (attached as Exhibit B).

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a 30-day extension of time, up to and including July 28, 2025, to file a petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit to review that court's decision in *United States v. Nashaun Drake*, 126 F.4th 1242 (6th Cir. 2025). (Exh. A).

JURISDICTION

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on June 26, 2025. This application is timely because it is being filed 10 days prior to the date on which the time for filing the petition is to expire.

REASONS JUSTIFYING AN EXTENSION OF TIME

Counsel for Mr. Drake is a Research and Writing Attorney with the Federal Public Defender's Office and is responsible for researching and preparing written pleadings in the district court as well as appellate briefs in the Sixth Circuit. Counsel

has dozens of active district court cases, including a murder case which resolved a week before its June 2, 2025 trial date, *United States v. Perkins*, N.D. Oh. 1:21-CR-869. Counsel was in trial on June 2, 2025, in *United States v. James Hill*, N.D. Oh. 5:24-CR-116. Counsel also had appellate briefs due in *United States v. Perez*, Sixth Cir. No. 25-3240, *United States v. Bobbitt*, Sixth Cir. No. 24-3416, and *United States v. Perez*, Sixth Cir. No. 25-3240. For these reasons, counsel is unable to devote the time and attention necessary to prepare an adequate and effective petition for writ of certiorari by the current due date. Petitioner requests an additional 30 days, which will allow counsel time to prepare the petition for writ of certiorari.

CONCLUSION

Accordingly, the petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including July 28, 2025.

Dated: June 16, 2022

Respectfully submitted,

STEPHEN NEWMAN
Federal Public Defender

/s/ Catherine Adinaro Shusky
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