

No.

IN THE
Supreme Court of the United States

MARCUS BERNARD WILLIAMS,
Petitioner,

v.

STATE OF ALABAMA,
Respondent.

**UNOPPOSED APPLICATION FOR A 60-DAY EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

Application to the Honorable Clarence Thomas,
as Circuit Justice for the Eleventh Circuit

Pursuant to Supreme Court Rule 13.5, Applicant Marcus Bernard, hereby requests a 60-day extension of time, to and including November 30, 2026, within which to file a petition for a writ of certiorari.

1. The decision below is *Marcus Bernard Williams v. State of Alabama*, No. 21-13734 (11th Cir. 2026). The Eleventh Circuit issued its opinion on April 3, 2026, *see* App. A. The decision denying Petition for Rehearing en banc issued on July 1, 2026, *see* App. B. Unless extended, Applicant's time to seek certiorari in this Court expires September 29, 2026. Applicant is filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). Respondent does not object to this extension request.

2. This death penalty case presents the question of whether the standard governing a capital defendant's Sixth Amendment claim of ineffective assistance of counsel incorporates a prediction of how a specific state's juries or judges would view a case, as the Eleventh Circuit held below, or whether the Sixth Amendment right to effective counsel is generally applicable without regard to the state in which a trial occurred. This question is of exceptional importance because the Eleventh Circuit's decision below effectively allows the meaning of that right to vary from state to state, tying prejudice under *Strickland* to how a particular state's sentencing courts have historically treated mitigating evidence rather than applying a single, uniform federal standard. As Judge Wilson warned in his lengthy dissent, the majority's framework "effectively and detrimentally change[d] the *Strickland* standard," disregarding that the Sixth Amendment right to effective assistance of counsel "is a universal right afforded to all citizens of the United States, no matter what state they are from or what state they are charged, tried, and sentenced in." App. A. at 29, 35. The Eleventh Circuit's decision also conflicts with this Court's recent holding in *Wolford v. Lopez* that "[m]erely local attitudes can neither shrink nor inflate the meaning of fundamental Bill of Rights guarantees that apply to the States through the Fourteenth Amendment." 609 U.S. ___, 2026 WL 1825723 (June 25, 2026), at *11.

3. Good cause exists for a 60-day extension. Counsel of Record was recently retained and needs additional time to review the record and the legal issues this case presents. An extension is also justified by the press of business on

numerous other pending matters. Counsel of Record has an oral argument on September 11, 2026 in *Google LLC v. Sonos, Inc.*, No. 25-1346 (Fed. Cir.); will serve as appellate trial counsel the week of September 14, 2026 in *Taction Technology, Inc. v. Apple Inc.*, No. 3:21-cv-00812-TWR-JLB (S.D. Cal.), and from September 23 through October 2, 2026 in *Corteva Agriscience LLC v. Inari Agriculture, Inc.*, No. 23-1059 (D. Del.); and has an answering brief due September 28, 2026 in *Cisco Systems, Inc. v. Dynamic Mesh Networks Inc.*, No. 26-1796 (Fed. Cir.).

4. The requested 60-day extension would cause no prejudice to Respondent, who has advised that it has no objection to the extension.

5. For the foregoing reasons, Applicant hereby requests that an extension of time be granted, up to and including November 30, 2026, within which to file a petition for certiorari.

Respectfully submitted,

/s/Elizabeth R. Moulton

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August 28, 2026