

No. _____

OCTOBER TERM 2026

In the Supreme Court of the United States

MOHAMMAD SHARIFI,

Petitioner,

v.

WARDEN,

Respondent.

Capital Case

**APPLICATION TO EXTEND TIME TO
PETITION FOR WRIT OF CERTIORARI**

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October 16, 2026

APPLICATION TO EXTEND TIME TO PETITION FOR CERTIORARI

To the Honorable Justice 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:

Petitioner, by undersigned counsel, pursuant to Supreme Court Rules 13.5 and 30.2, respectfully requests that this Court grant him a 60 day extension within which to file a Petition for a Writ of Certiorari to the Eleventh Circuit Court of Appeals. This Court has jurisdiction under 28 U.S.C. §§ 1254(1) and 1257.

The Federal Defender for the Middle District of Alabama was appointed to represent the Petitioner in his underlying habeas corpus proceedings. Undersigned counsel, an Assistant Federal Defender, represented the petitioner as associate counsel in federal district court, and as lead counsel on appeal to the Eleventh Circuit after Mr. Sharifi's prior lead counsel suffered a heart attack and passed away during the pendency of the appeal.

The Eleventh Circuit Court of Appeals entered its opinion and judgment on June 22, 2026. A copy of the opinion is included as attachment A. Petitioner timely filed a motion for rehearing, and the Court denied that motion on August 18, 2026, attached as Attachment B. A petition for a writ of certiorari is due to be filed in this Court on or before November 16, 2026.

This death penalty case presents significant issues regarding the proper application of this Court's decision in *Barker v. Wingo*, 407 U.S. 531 (1972), and

involves a misapplication of that precedent not undertaken by any sister-circuit, deepening a circuit split.

Supreme Court Rule 13.5 permits a Justice of this Court, “for good cause” to extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. The application must be received by the Clerk at least 10 days before the petition is due, except in extraordinary circumstances. Rules 13.5, 30.2. This request for an extension of time is being sent by overnight mail October 16, 2026, 31 days before the petition is due.

Undersigned counsel submits there is good cause to justify the extension. Undersigned counsel is an attorney in the Capital Habeas Unit. As such, he maintains a substantial caseload representing numerous Alabama inmates under death sentences in Alabama. That caseload remains particularly heavy in that counsel has had two clients for whom executions dates were set in the past year. Undersigned counsel is also handling a capital case (*Stewart v. Raybon*, No. 1:14-cv-1313 (N.D. Ala.)) which was denied relief in federal district court the day before the Eleventh Circuit denied Petitioner’s request for rehearing. Additionally, the district court in *Stewart* has ordered a briefing schedule regarding the motion for reconsideration. Undersigned counsel is also assisting on a capital case in which an execution date, scheduled for November 5, 2026. Counsel has pre-booked travel in early November for a family event which cannot be rescheduled.

As this Court emphasizes, heightened and exacting standards must apply to capital cases. *Johnson v. Mississippi*, 486 U.S. 578, 584 (1988); *Gardner v. Florida*,

430 U.S. 349, 363-64 (1977); *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976).

Thus, to afford undersigned counsel the opportunity to best apprise this Court of the relevant facts and law, Petitioner respectfully requests an order extending his time to petition for certiorari by 60 days up to and including Friday, January 15, 2027.

Respectfully submitted,



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Executed on October 16, 2026.