

No. _____

IN THE
Supreme Court of the United States

MARK MARINO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

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

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FEDERAL DEFENDER

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

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

Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Petitioner Mark Marino respectfully requests a thirty (30) day extension of time, up to and including August 1, 2024, to file his Petition for a Writ of Certiorari.

BASIS FOR JURISDICTION

The United States District Court for the Middle District of Florida had original jurisdiction over this criminal case under 18 U.S.C. § 3231. The United States Court of Appeals for the Eleventh Circuit reviewed the district court's judgment under 18 U.S.C. § 3742 and 28 U.S.C. § 1291. The Eleventh Circuit issued its decision on April 3, 2024. Appendix A.

This Court will have jurisdiction over any timely filed petition for certiorari in this case under 28 U.S.C. § 1254(1). Under Supreme Court Rules 13.1, 13.3, and 30.1, Mr. Marino's petition for a writ of certiorari is currently due on July 2, 2024. He files this Application more than ten days before that date pursuant to S. Ct. Rule 13.5.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

On September 18, 2023, the Eleventh Circuit affirmed Mr. Marino's judgment and sentence upon revocation. *See United States v. Marino*, No. 22-13883, 2024 WL 1430697 (11th Cir. April 3, 2024). A copy of the opinion is attached as Appendix A. Mr. Marino did not seek rehearing.

REASONS FOR GRANTING AN EXTENSION OF TIME

The undersigned counsel of record is a Research and Writing Attorney with the Federal Defender's Office in the Middle District of Florida. At present, she is counsel of record in over 15 open appellate cases and over 300 cases related to Amendment 821 to the United States Sentencing Guidelines. In the past two months undersigned counsel worked on an expedited appeal in *United States v. Hayes*, case no. 24-11174 (11th Cir.); and responses to motions to dismiss in *United States v. Stewart*, case no. 22-13999 (11th Cir.) and *United States v. Read*, case no. 23-10271 (11th Cir.). In upcoming weeks, undersigned counsel will devote her time to several other matters, including an initial briefs in *United States v. D'Haiti*, case no. 23-13579 (11th Cir.) and *United States v. Badnell*, case no. 23-14111 (11th Cir.). Undersigned counsel will also draft additional motions to reduce sentence pursuant to Amendment 821.

A 30-day extension would allow the undersigned counsel to effectively contribute to these pending client matters, including Mr. Marino's petition. Mr. Marino respectfully submits that these facts support a finding of good cause under S. Ct. R. 13.5.

CONCLUSION

Wherefore, undersigned counsel respectfully asks this Honorable Court to grant a 30-day extension of time, until August 1, 2024, in which to file a petition for a writ of certiorari.

Respectfully submitted,

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Dated: June 20, 2024