

NO:
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2024

MAXSONY COISSY

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM THE
JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE
ELEVENTH CIRCUIT**

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Maxsony Coissy respectfully requests a sixty (60) day extension of time, to and including September 30, 2024, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit issued on April 29, 2024.

Mr. Coissy is filing this Application at least ten days before the filing date, which is July 29, 2024. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Coissy was convicted of distributing fentanyl and heroin, in violation of 21 U.S.C. § 841(b)(1)(C), as well as being a felon in knowing possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1). On December 17, 2020, the district court sentenced him to 132 months imprisonment on the drug counts as a Career Offender pursuant to U.S.S.G. § 4B1.1, and 120 months concurrent on the § 922(g)(1) count.

On appeal, Mr. Coissy challenged both Career Offender predicates. Specifically, he argued Florida aggravated assault was not a “crime of violence” because it could be committed recklessly, and possessing heroin in Florida with intent to sell was broader than the same offense under federal law, and therefore did not qualify as a “controlled substance offense.”

On April 29, 2024, the Eleventh Circuit Court of Appeals affirmed, rejecting both arguments based on recent circuit precedent. *United States v. Coissy*, 2024 WL 1853973 (11th Cir. Apr. 29, 2024) (holding that *Somers v. United States*, 66 F.4th 890 (11th Cir. 2023) resolved the challenge to Florida aggravated assault as a “crime of violence,” and Coissy’s argument that the federal definition of heroin was broader than that under Florida law, and that federal law should control, was foreclosed by *United States v. Dubois*, 94 F.4th 1284, 1294-1300 (11th Cir. 2024)).

Mr. Coissy intends to press both challenges on certiorari. Notably, there are circuit conflicts on to both issues.

Although Mr. Coissy's petition for writ of certiorari is due July 29, 2024, undersigned counsel will not be able to file the petition by that date due to both work and personal matters. Specifically, over the last six weeks, undersigned counsel has filed a reply to the government's response to a motion for reduction in sentence under 18 U.S.C. § 3582(c)(1)(A) in *United States v. Mojica-Renteria*, No. 13-cr-80226-Marra (on May 13th); a response in opposition to the government's motion for reconsideration of the granting of a reduction in sentence motion in *United States v. Carswell*, No. 03-60264-CM (on May 15th); and a response in opposition to the government's motion for summary affirmance in *United States v. Rambo*, No. 23-13772 (on June 24th). Counsel also presented oral argument in *United States v. Solomon, et al.*, No. 22-11488 (on June 11th), and prepared for and delivered a presentation at the Southern District of Florida FPD/CJA Conference in Bonita Springs, Florida (on June 27th).

This month, counsel has an updated motion to dismiss under *Bruen* and *United States v. Rahimi*, No. 22-915 due in *United States v. Meyer*, Case No. 22-cr-10012-Altman by July 15th; a reply brief due in *United States v. Isaac Alvarez*, No. 23-12286 on July 19th; multiple briefs due in the Eleventh Circuit by July 22nd in *Bruen* appeals stayed pending *Rahimi*; and an Initial Brief due in *United States v. Clayton*, No. 21-14089 on July 24th.

Due to these many competing matters, counsel will not have sufficient time to

write Mr. Coissy’s petition for writ of certiorari by July 29th—particularly given that counsel’s daughter in Chicago is due to give birth July 13th, and counsel will need to fly immediately whenever the birth occurs to help care for her daughter and grandchildren. Since counsel also has an initial brief due in *United States v. Hockaday*, No. 24-10526 on August 26th, and a pre-scheduled anniversary trip from August 25th through Labor Day, she is requesting 60 days until September 30th, to file Mr. Coissy’s petition for writ of certiorari.

There will be no prejudice to any party from the grant of a sixty-day extension.

Since the time within which to file a petition for writ of certiorari in this case will expire on July 29, 2024, unless extended, Mr. Coissy respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including September 30, 2024.

Respectfully submitted,

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INTERIM FEDERAL PUBLIC DEFENDER

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