

App. No. _____

In The
Supreme Court of the United States

David Larche,

Petitioner,

v.

United States of America,

Respondent.

PETITIONER'S APPLICATION TO EXTEND FURTHER THE
TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

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

1. Petitioner David Larche respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be further extended for thirty days to September 5, 2024. One prior extension of time of 30 days for filing the petition (App. No. 24A34) was granted by Justice Clarence Thomas, and absent a further extension of time, the petition will be due on August 6, 2024. Petitioner is filing this Application at least ten days before the due date. *See* S.Ct. R. 13-5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

2. Petitioner seeks review of the decision of the United States Court of Appeals for the Eleventh Circuit based on substantial questions relating to that court's resolution of

petitioner's appeal from the denial of his motion for suppression of evidence, where the detention and search lacked a constitutionally valid basis and where the Eleventh Circuit interpreted the reasonable suspicion standard of *Terry v. Ohio*, 392 U.S. 1 (1968), to permit searches based on mere speculation, a ruling that is in conflict with the decisions of other circuit courts of appeals. The Eleventh Circuit's ruling, treating petitioner's traffic violation, in combination with entirely lawful possession of currency, as a basis to extend detention, raises important questions of constitutional law. Because the Eleventh Circuit's decision is at odds with the decisions of other circuits and would render *Terry's* imposition of limits to investigatory detention and search operations, the case merits certiorari review.

3. Due to case-related and other reasons, additional time is necessary and warranted for counsel to research the decisional conflicts, and prepare a clear, concise, and comprehensive petition for certiorari for the Court's review. The press of other matters makes the submission of the petition difficult absent an extension. Counsel has been required to devote considerable time over the past several weeks to federal trial court matters, including in *United States v. Rene*, S.D. Fla. No. 24-cr-20020, in which extensive sentencing memoranda are due on July 31, 2024 and post-trial motion filings made by August 8, 2024; *United States v. Rivera*, S.D. Fla. No. 22-cr-20552 (hearing conducted July 19, 2024), involving both criminal prosecution and related civil contempt and compulsion issues heard in consolidated manner by the district court; oral argument in a federal trial court matter, S.D. Fla. No. 24-cv-21050-CMA; and briefing in multiple appellate matters over the next ten days, in 4th Cir. No. 23-4583 and 11th Cir. Nos. 22-14099, 23-10403, 23-13292, and 24-11161.

4. The forthcoming petition is likely to be granted in light of, among other things, the need to resolve conflicting interpretations of the reasonable suspicion standard among the circuit courts of appeals.

Conclusion

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended thirty days to and including September 5, 2024.

Respectfully submitted,

/s/ Richard C. Klugh

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