

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BENJAMIN TYREE TOWNSEL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

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

A. Fitzgerald Hall, Esq.
Federal Defender

Laura J. Daines, Esq.
Counsel of Record
Assistant Federal Defender
400 N. Tampa St., Ste. 2700
Tampa, Florida 33602
Telephone: (813) 228-2715
Email: Laura_Daines@fd.org

**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 Appeal for the Eleventh Circuit:

Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Petitioner Benjamin Tyree Townsel respectfully requests a 30-day extension of time, up to and including November 29, 2024, to file his Petition for 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 July 31, 2024.

This Court will have jurisdiction over a timely filed petition for certiorari in this case under 28 U.S.C. § 1254(1). Mr. Townsel's petition for writ of certiorari is due on October 29, 2024, and he is filing this application more than 10 days before that date pursuant to Supreme Court Rule 13.5. Under to that Rule, the Court may extend the time to file a petition for certiorari for a period not exceeding 60 days.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

On July 31, 2024, the Eleventh Circuit affirmed Mr. Townsel's judgment and conviction. *See United States v. Townsel*, No. 22-13084, 2024 WL 3596226 (11th Cir. July 31, 2024). A copy of the opinion is attached as Appendix A. Mr. Townsel did not seek rehearing.

REASONS FOR GRANTING AN EXTENSION OF TIME

The undersigned counsel of record is an Assistant Federal Defender for the Federal Defender's Office in the Middle District of Florida. At present, she is counsel of record in more than 16 open cases. Counsel handles other responsibilities, such as assisting private attorneys appointed under the Criminal Justice Act and assisting attorneys within her Office's trial unit.

Counsel is located in Tampa, Florida. In September and October, counsel experienced, and continues to experience, significant impacts from hurricanes Helene and Milton, including office closures and power outages. Counsel has nonetheless devoted significant time to cases, including filing a brief on a matter of first impression in the Eleventh Circuit regarding application of the Second Amendment's "sensitive

places” doctrine. *See* Br. of Appellee, *United States v. Ayala*, No. 24-10462, 2024 WL 4264592 (11th Cir. Sept. 17, 2024).

Additionally, undersigned counsel is scheduled for a medical procedure on October 18, 2024, which cannot be delayed and that will require an extended absence. Despite diligent efforts and due to hurricane delays, undersigned counsel has been unable to complete Mr. Townsel’s petition prior to that leave. Alternate counsel within the Federal Defender’s Office in the Middle District of Florida will require time to become familiar with Mr. Townsel’s case, which involves the constitutionality of 18 U.S.C. § 922(g)(1), and the Eleventh Circuit’s misguided Second Amendment analysis in cases raising challenges to that statute.

A 30-day extension (until November 29, 2024) would allow Mr. Townsel’s counsel to contribute effectively to pending client matters, including his petition, as well as various administrative matters. Mr. Townsel 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 November 29, 2024, in which to file Mr. Townsel's petition for a writ of certiorari.

Respectfully submitted,

A. Fitzgerald Hall, Esq.
Federal Defender

/s/ Laura J. Daines
Laura J. Daines, Esq.
Counsel of Record
Assistant Federal Defender
400 N. Tampa St., Ste. 2700
Tampa, Florida 33602
Telephone: (813) 228-2715
Email: Laura.Daines@fd.org
Counsel for Petitioner

Dated: October 16, 2024