

OCTOBER TERM 2024

IN THE
SUPREME COURT OF THE UNITED STATES

JOHNNIE LEEANOGZ DAVIS,
Petitioner,

v.

UNITED STATE OF AMERICA,
Respondent.

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

UNOPPOSED APPLICATION TO THE HONORABLE JUSTICE CLARENCE THOMAS FOR EXENTION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE ALABAMA SUPREME COURT

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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 sixty (60) day extension within which to file a Petition for a Writ of Certiorari to the Eleventh Circuit Court of Appeals.

The Eleventh Circuit Court of Appeals affirmed Mr. Davis' appeal on July 30, 2024.¹ Mr. Davis filed a Petition for Rehearing En Banc on August 20, 2023, which remains pending before the Eleventh Circuit. This Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

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 sixty (60) days. The application must be received by the Clerk at least ten (10) day before the petition is due, except in extraordinary circumstances.² This request for an extension of time is being filed through the Court's electronic filing system 10 days before this petition is due.

Undersigned has spoken to Brett Talley, assistant United States Attorney for the Middle District of Alabama. Mr. Talley offered that he does

¹ See *Exhibit A*.

² See Rule 30.2.

not oppose this extension request and that he has the authority to state such on behalf of the United States.

Undersigned counsel believes that there is good cause to justify the requested extension of time. The Undersigned has experienced an unusually high volume of appellate briefing and in-court matters over the last few weeks. Since the Eleventh Circuit's July 30, 2024, decision in Mr. Davis's case, the undersigned has filed at least six opening briefs with the Alabama Court of Criminal Appeals, three applications for rehearing with the same court, and one petition for certiorari review with the Alabama Supreme Court. Undersigned counsel also had oral arguments before the Eleventh Circuit on September 25, 2024, which required significant preparation. Undersigned counsel has also filed five opening briefs with the Eleventh Circuit since Mr. Davis's decision issued. The Undersigned has six briefs in the Alabama Court of Criminal Appeals and Eleventh Circuit due in the next two weeks.

Additionally, the undersigned's wife is pregnant and due on December 13, 2024. We have been informed that she will be induced no later than November 22, 2024. The undersigned anticipates the baby will arrive even sooner and he has had to turn attention to other projects that were

slated to come due during that pre-baby time that were more time-intensive due to transcript and record reviews. Granting this extension would greatly help counsel clear deadlines falling in the time period he expects the baby to arrive and would give him more time to communicate with Mr. Davis.

Finally, Mr. Davis informed undersigned that he is being transferred to another BOP facility. He demanded review of the petition before filing. The undersigned has experienced difficulties communicating with clients in BOP facilities over the last few months. Counsel doubts he would be able to communicate fully with Mr. Davis about the petition before filing on the current due date even if the petition were mailed to him today.

Petitioner respectfully requests that an order be entered extending his time to petition for certiorari by sixty (60) days, up to and including December 27, 2024.

Respectfully submitted on October 18, 2023.

/s J.D. Lloyd
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CERTIFICATE OF SERVICE

I, J.D. Lloyd, a member of the Bar of this Court, hereby certifies that on December 18, 2023, this pleading was filed with the Court through its electronic filing system and served by U.S. mail upon the Solicitor General of the United States, Room 5616, 950 Pennsylvania Ave., N.W., Washington, D.C., 20530-001.

/s J.D. Lloyd

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Exhibit A