

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2024

No. _____

JOHN XAVIER PORTILLO, *Petitioner,*

v.

UNITED STATES OF AMERICA, *Respondent.*

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT, AND FOR LEAVE TO FILE
APPENDIX A UNDER SEAL**

To the Honorable Samuel A. Alito, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c), Petitioner John Xavier Portillo respectfully requests a thirty-day extension of time, to and including December 11, 2024 to file a Petition for a Writ of Certiorari in this case. The judgment of the United States Court of Appeals was entered on August 13, 2024. Petitioner's time to petition for certiorari in this Court expires on November 11, 2024. This application is being filed more than ten days before that date.

The opinion by the United States Court of Appeals for the Fifth Circuit in this case is attached as Appendix A. That opinion was sealed by the Fifth Circuit, and

remains sealed, because it contains the names of individuals that were confidential informants.

Jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

The question presented to this Court will relate to the proper standard to be used to evaluate prejudice when a Defendant alleges his appellate counsel was ineffective.

The extension is necessitated because of the delay in communicating with the Petitioner, who is in the custody of the Bureau of Prisons, as to whether he wanted to proceed with the Petition for Writ of Certiorari and who he wanted to retain to file such a Petition.

It is therefore respectfully submitted that the application for a thirty-day extension of time to and including December 12, 2024, within which to file a Petition for a Writ of Certiorari in this case be granted.

Respectfully submitted,



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Member of the Bar of the Supreme Court

CERTIFICATE OF SERVICE

I, F. Clinton Broden, certify that on October 29, 2024, I caused a copy of the foregoing document to be mailed by first class mail, postage prepaid to:

Office of the Solicitor General
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001



F. Clinton Broden