

Case No. 18-

IN THE
Supreme Court of the United States

Noah Kleinman

Petitioner,

v.

United States of America

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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

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NOAH KLEINMAN

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

To Hon. Anthony Kennedy, Circuit Justice for the Ninth Circuit:

Under this Court's rules 13.5 and 22, Applicant Noah Kleinman, by and through his undersigned court-appointed counsel, respectfully requests a 30-day extension to file his Petition for Writ of Certiorari. In support of this application, Applicant states:

1. On April 15, 2018, Applicant e-filed an application for an extension of time to file a petition for writ of certiorari to seek review of the decision of the United States Court of Appeals for the Ninth Circuit's published opinion in *United States v. Kleinman*, 880 F.3d 1020 (9th Cir. 2017) (*amended* January 22, 2018). The petition for writ of certiorari was due on April 23, 2018, and applicant requested that the time for filing be extended 30 days, to and including May 23, 2018.

- a. In the application, Applicant explained that his counsel, who represented Applicant in the Ninth Circuit, was part of the team defending Bill Cosby in his criminal trial in Pennsylvania which began on April 2, 2018. Applicant's counsel and her associate were, and still are, the only attorneys participating in this appeal. Despite their best efforts, they were unable to complete the petition by the April 23, 2018 deadline.
- b. Applicant further explained that, in light of the extraordinary circumstances of counsel's involvement in an unusually complex and high-profile trial, counsel was unable to submit this application in advance of this 10-day time period.

2. Due to clerical error, there was a delay in shipping the requisite paper copy of the Application for Extension of Time. On May 3, 2018, Counsel received a letter from the Office of the Clerk that the application for extension was out of time but that counsel may promptly


submit an untimely petition for a writ of certiorari in a criminal case. Counsel has worked diligently on drafting the accompanying petition. Applicant apologizes to the Court for the inconvenience but asks that the Court not penalize Applicant for counsel's error.

For these reasons, Applicant requests that the date for his filing a petition for a writ of certiorari be extended to and including May 23, 2018 and that the Court grant relief for filing an otherwise untimely petition for writ of certiorari.

DATED: May 23, 2018

Respectfully submitted,

GREENBERG GROSS LLP

By: 

Becky S. James
Counsel for NOAH KLEINMAN