

No. 19-_____

IN THE SUPREME COURT OF THE UNITED STATES

AUGUSTIN ZAMBRANO,

Petitioner-Defendant,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PATRICK W. BLEGEN

Counsel of Record

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Attorney for Petitioner,
Augustin Zambrano

**TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE SEVENTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests an extension of time from the currently scheduled due date of April 3, 2019, up to and including May 31, 2019, to file a petition for a writ of certiorari to review the decision of the United States Court of Appeals for the Seventh Circuit in *Augustin Zambrano v. United States of America*, 18-1292.

In the case below, the Seventh Circuit declined to grant a certificate of appealability (attached as Exhibit A) related to the denial of Petitioner's motion pursuant to 28 U.S.C. § 2255. The order denying a certificate of appealability was entered on October 11, 2018. A petition for rehearing was denied by the court on January 3, 2019. (Attached as Exhibit B.)

Petitioner is considering whether to file a petition seeking review of the Seventh Circuit's judgment denying a certificate of appealability. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on April 3, 2019. This application has been filed more than ten days in advance of the date on which the time for filing the petition is to expire and is therefore timely.

1. Undersigned counsel will serve as counsel of record for Petitioner before this Court, but was not Petitioner's counsel at trial, on direct appeal, on § 2255 petition, or on appeal from the denial of his § 2255 petition. As new counsel for Petitioner, and because of the lengthy record in this case,

significant time has been required for counsel to familiarize himself with the record and potential issues to be raised with this Court.

2. In addition, undersigned counsel is currently engaged in other matters which limit counsel's availability to work on this matter in advance of the current due date of April 3, 2018. For example, counsel is currently engaged in briefing in the matter of *United States v. Eric Bloom*, 18 CV 6944, a § 2255 petition in the United States District Court for the Northern District of Illinois arising out of a complex financial fraud prosecution. The reply brief in that matter is currently scheduled to be filed on or before March 15, 2019. Counsel is also engaged in briefing in *United States v. Byron Brown, et al.*, 17-1650, in the United States Court of Appeals for the Seventh Circuit. The *Brown* appeal (counsel represents defendant-appellant Paris Poe) arises out of a four month racketeering trial in the United States District Court for the Northern District of Illinois. Appellants' joint opening brief is scheduled to be filed by March 15, 2019. Individual briefs, which counsel intends to file for Mr. Poe, are scheduled to be filed by March 29, 2019. Counsel is also engaged in pretrial motion work and trial preparation in the matter of *United States v. Jesus Beltran-Leon*, 09 CR 383 in the United States District Court for the Northern District of Illinois. The *Beltran-Leon* matter is a drug conspiracy / cartel prosecution currently scheduled for trial on April 29, 2019. Lastly, counsel was recently appointed under the Criminal Justice Act to represent a defendant in a potential capital case in the matter of *United States v. Romeo*

Blackman, et al., 18 CR 728, in the United States District Court for the Northern District of Illinois. While the *Blackman* matter is in its early stages, a significant amount of work has been necessary to evaluate evidence and coordinate preparation for a mitigation presentation to the Department of Justice.

Accordingly, Petitioner respectfully requests that an order be entered extending the time to file a petition from April 3, 2019, up to and including May 31, 2019.

Dated: March 5, 2019

Respectfully Submitted,

/s/Patrick W. Blegen

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United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 3, 2018

Decided October 11, 2018

Before

DIANE P. WOOD, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 18-1292

AUGUSTIN ZAMBRANO,
Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,
Respondent-Appellee.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 16 CV 332

Charles R. Norgle,
Judge.

ORDER

Augustin Zambrano has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255 and an application for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, the request for a certificate of appealability is **DENIED**.

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

January 3, 2019

Before

DIANE P. WOOD, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 18-1292

AUGUSTIN ZAMBRANO,
Petitioner-Appellant,
v.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

UNITED STATES OF AMERICA,
Respondent-Appellee.

No. 1:16-cv-00332

Charles R. Norgle,
Judge.

ORDER

On consideration of the petition for rehearing filed by petitioner-appellant on November 26, 2018, all members of the original panel have voted to deny the petition for panel rehearing.

Accordingly, the petition for rehearing is hereby DENIED.