

App. No.

IN THE SUPREME COURT OF THE UNITED STATES

JURIJUS KADAMOVAS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION FOR 60-DAY EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
(PETITION DUE DECEMBER 6, 2018)

BARBARA E. O'CONNOR
O'CONNOR & KIRBY, P.C.
174 Battery Street, 3rd Floor
Burlington, Vermont 05401
Telephone (802) 863-0112
barbara@kirbyoconnor.com

MARGARET HILLS O'DONNELL
P.O. Box 4815
Frankfort, Kentucky 40604-4815
Telephone (502) 320-1837
mod@dcr.net

BENJAMIN L. COLEMAN
Counsel of Record
COLEMAN & BALOGH LLP
1350 Columbia Street, Suite 600
San Diego, California 92101
Telephone (619) 794-0420
blc@colemanbalogh.com

Attorneys for Petitioner Jurijus Kadamovas

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the Ninth Circuit:

Jurijus Kadamovas, a federal death-row inmate, respectfully applies, under Supreme Court Rule 13.5, for a 60-day extension to file his petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. In support of his application, Mr. Kadamovas states as follows.

1. Mr. Kadamovas will be filing a petition for writ of certiorari challenging the affirmance of his federal convictions and death sentence, on direct appeal, by the Ninth Circuit. The Ninth Circuit filed its judgment and opinion in Mr. Kadamovas's direct appeal and that of his codefendant, Iouri Mikhel, on May 9, 2018. *See United States v. Mikhel*, 889 F.3d 1003 (9th Cir. 2018); Appendix A. The Ninth Circuit denied Mr. Kadamovas's timely petition for rehearing and rehearing en banc on September 7, 2018. *See* Appendix B. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1). The district court asserted jurisdiction under 18 U.S.C. § 3231, and the court of appeals had jurisdiction under 28 U.S.C. § 1291, 18 U.S.C. § 3595(a), and 18 U.S.C. § 3742.

2. Mr. Kadamovas's petition for writ of certiorari is due to be filed in this Court by December 6, 2018. Consistent with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

3. This is a capital case in which preparing the petition for certiorari demands particularly extensive work. The briefs in the appeal to the Ninth Circuit, raising, between Mr. Kadamovas and Mr. Mikhel, twenty-six issues, many with numerous subparts, totaled more than 1700 pages. The Ninth Circuit heard more than three hours of oral argument, and its opinion affirming the judgments was 121 pages in length. Many of the issues presented were novel and complex, while others addressed features of the Federal Death Penalty Act that have arisen in federal capital prosecutions across the country but on which this Court has not yet spoken. For these reasons, counsel require an unusual amount of time and effort to determine exactly which issues to present to this Court and how to present them, and to draft and produce the petition.

4. Moreover, although counsel of record, along with his co-counsel, has given and will continue to give Mr. Kadamovas's case priority, he has a heavy professional workload of other commitments that he cannot set aside or delegate to others. These include: on October 25, 2018, presenting oral argument in *Michaels v. Davis*, 9th Cir. No. 15-99005, a complex death penalty case; on November 2, 2018, filing a reply to the Solicitor General's opposition to a petition for a writ of certiorari in *Villarreal v. United States*, S. Ct. Case No. 18-5468; on November 6, 2018, presenting oral argument in *United States v. Leroy Baca*, 9th Cir. No. 17-

50192, a complex obstruction of justice and false statements case involving two jury trials; on November 14, 2018, presenting oral argument in *United States v. Valencia-Cortez*, 9th Cir. No. 17-50330; on November 23, 2018, filing a reply brief in *United States v. Arias*, 9th Cir. No. 17-10191; on November 30, 2018, filing a habeas corpus petition in the California Supreme Court in a death penalty case, *Bell v. Davis*; during the week of December 3, 2018, filing a reply brief to the Solicitor General's opposition in *Stewart v. United States*, S. Ct. Case No. 18-274; on December 7, 2018, presenting oral argument in *United States v. Chi*, 9th Cir. No. 17-50358. This list does not include obligations before district courts and does not include other appellate briefs due later in December 2018 and January 2019. Co-counsel have similarly heavy workloads, and all counsel have pressing personal and family obligations in the coming months as well.

5. On November 13, 2018, this Court granted codefendant Mikhel's similar request for an extension to February 4, 2019 in Case No. 18A508. This Court has also granted other federally death-sentenced petitioners in the Ninth Circuit similar extensions of time to file their petitions for writ of certiorari. *See, e.g., United States v. Joseph Edward Duncan*, No. 15-6408; *United States v. Lezmond Mitchell*, No. 15-8725.

Accordingly, Mr. Kadamovas respectfully asks that the Court grant

this application and extend for 60 days the time allowed to file his petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit.

Respectfully submitted,

Dated: November 20, 2018

s/Benjamin L. Coleman
BENJAMIN L. COLEMAN
Counsel of Record

BARBARA E. O'CONNOR
MARGARET HILLS O'DONNELL

Attorneys for Petitioner Jurijus Kadamovas