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In The  
SUPREME COURT OF THE UNITED STATES  
October Term 2018

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Jimmy David Malone,  
*Applicant/Petitioner,*

v.

United States of America,  
*Respondent.*

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**Application for a Further Extension of Time Within  
Which to File a Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Sixth Circuit**

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**APPLICATION TO THE HONORABLE JUSTICE  
ELENA KAGAN AS CIRCUIT JUSTICE**

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September 18, 2018

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## **APPLICATION FOR AN EXTENSION OF TIME**

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Jimmy Malone hereby requests an extension of time for a further 30 days within which to file a petition for a writ of certiorari up to and including Friday, November 9, 2018.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is *United States of America v. Jimmy David Malone*, No. 17-5727 (6th Cir. May 8, 2018); the Sixth Circuit denied Applicant's appeal for rehearing en banc on June 12, 2018.

### **JURISDICTION**

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before September 10, 2018. On July 5, 2018, Justice Kagan extended the time in which to file the petition for a writ of certiorari to October 10, 2018. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

Applicant respectfully requests a further 30-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the Sixth Circuit in this case, up to and including November 9, 2018.

1. Applicant has requested that the Northwestern University School of Law Supreme Court Practicum assist in the preparation of his petition. An

extension of time will permit the students the time necessary to complete a cogent and well-researched petition.

2. The extension of time is also necessary because of the press of other client business. For example, in the coming months, the Northwestern Practicum has several overlapping commitments representing other clients in this Court, including petitions for writs of certiorari in *Kahler v. United States* (No. 18-) and *Quintana v. Colorado* (No. 18-), and reply briefs in *Dixon v. United States* (No. 17-8853) and *Rivera-Ruperto v. United States* (No. 18-5384). Mr. Green is also appointed counsel in three D.C. Court of Appeals cases currently briefing and/or preparing for oral argument (*Johnson v. United States*, No. 13-CF-493; *Walker v. United States*, Nos. 14-CF-839 and 14-CF-840; and *General v. United States* 16-CF-0822) as well as recently being assigned as appointed counsel in four new cases also in the D.C. Court of Appeals (*Neal v. United States*, No. 17-CF-1346; *Young v. United States*, No. 18-CF-694; *Minor v. United States*, No. 18-CF-686; *Gordon v. United States*, Nos. 17-CO-814 and 17-CO-1295) and has ongoing litigation in the District Court for the District of Columbia. A further 30-day extension for the Applicant would allow Mr. Green the necessary amount of time to effectively contribute to all open matters including Applicant's petition as well as his other client business abroad, and would also allow the Northwestern Practicum students sufficient time for research and drafting efforts per Applicant's request.

## CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant a further extension of 30 days, up to and including November 9, 2018, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,



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