

No. 18-_____

IN THE
SUPREME COURT OF THE UNITED STATES

Derian Eidson,
Applicant,
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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Derian Eidson

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

TO: Chief Justice Roberts, Circuit Justice for the Ninth Circuit:

Under this Court's rules 13.5 and 22, Applicant Derian Eidson respectfully requests a 60-day extension to file Her Petition for Writ of Certiorari. In support of this application, Applicant states:

1. Applicant intends to seek review of the decision of the United States Court of Appeals for the Ninth Circuit in *United States v. Derian Eidson*, Case No. 14-10196 (9th Cir. 2018), a copy of which is annexed hereto. The Ninth Circuit panel's decision was issued on February 9, 2018, and Applicant's petition for panel and en banc rehearing was denied on July 26, 2018. Absent the requested extension of time, a petition for certiorari would be due on October 24, 2018. Applicant requests that the time for filing be extended by 60 days, to and including December 26, 2018.
2. The Ninth Circuit decision affirmed Applicant's conviction for two counts of money laundering offenses under 18 U.S.C. §1956(1)(B)(i) based solely on her representation as an attorney of her co-defendant in what she believed were settlement negotiations.
3. That decision – as a petition for writ of certiorari will develop more fully – is a serious candidate for this Court's review:
 - a. The opinion overlooks this Court's recent opinion in *Nelson v. Colorado*, 137 S. Ct. 1249, 1252 (2017) which reaffirms the proposition that a defendant cannot be punished for conduct for which they were not convicted. Here, Applicant was acquitted of the conspiracy and the

substantive bankruptcy counts, yet the Ninth Circuit bootstrapped Applicant's money laundering convictions from the failed accusations of her participation in bankruptcy fraud.

- b. Additionally, the Ninth Circuit misinterpreted 18 U.S.C. §1956(a)(1) and (3), as its decision effectively nullifies Congress's intent to impose strict requirements on government sting operations to avoid ensnaring innocent people in fictional government-created money laundering. This finding is in conflict with other Circuit Court holdings. *See, e.g. US v. Castellini*, 392 F.3d 35, 45 (1st Cir. 2004); *US v. Kaufmann*, 985 F.2d 884, 893 (7th Cir. 1993).

4. Undersigned counsel was recently relieved by the district court, and Applicant was appointed counsel for proceedings on remand. Undersigned counsel requires time to coordinate with newly appointed counsel to familiarize him with the case and to determine whether he will file the petition on Applicant's behalf.

For these reasons, Applicant requests that the date for her filing a petition for a writ of certiorari be extended to and including December 26, 2018.

Respectfully submitted,



Becky S. James
Counsel for Applicant Derian Eidson

CERTIFICATE OF SERVICE

Derian Eidson v. United States

I hereby certify that on this 15th day of October, 2018, I caused one copy of this Application for Extension of Time to File a Petition for Writ of Certiorari to be served on the following by first-class mail:

Noel Francisco
Solicitor General of the United States
950 Pennsylvania Avenue
Room 5616
NW Washington DC 20530-0001
(202)514-2203

I hereby certify that all parties required to be served have been served. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2018.



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