

No. _____
IN THE SUPREME COURT OF THE UNITED STATES

KAMEL LAMBUS,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

To The Honorable Justice Ruth Bader Ginsburg:

Petitioner Kamel Lambus (“Lambus”) requests an extension of sixty (60) days for time to file his Petition for Writ of Certiorari. Judgment was entered on July 25, 2018. October 23, 2018 is the present deadline for filing a Petition for Writ of Certiorari.

The jurisdiction of this Court is being invoked under 28 U.S.C. §1254(1).

The case raises important constitutional questions. The judgment sought to be reviewed is an order on the Government’s Interlocutory Appeal. Mr. Lambus has been incarcerated pending trial for over three years, since his arrest in July of 2015. Mr. Lambus had had a GPS monitor attached to his person by the State parole agency. This device was used to provide evidence of Mr. Lambus’s whereabouts to law enforcement. The search, which monitored Mr. Lambus’s location on a 24/7 basis for over two years, was conducted without a warrant or court order or consent. Petitioner moved in the U.S. District Court for the Eastern District of New York for an order to suppress on the grounds that the search was unconstitutional. The District Court, on a motion for reconsideration, granted the order to suppress, finding that Petitioner’s Constitutional rights under the Fourth Amendment had been violated. The District Court found that the search

had been extended for so long purely to obtain evidence for law enforcement, that no exception to the warrant requirement applied, and that the search was not conducted in good faith. The Second Circuit Court of Appeals reversed, finding that the search was not unconstitutional and, in the alternative, that the search had been conducted in good faith. (The Second Circuit Court of Appeals' decision is attached.)

An extension of time to file the Petition is necessary because of extraordinary circumstances. I met with the Petitioner repeatedly after judgment was entered. Mr. Lambus had always indicated to me that he wished to negotiate a plea in the criminal case and that he was not going to seek review of the Court of Appeals' ruling. As a result, I have had meetings with the Government as part of an ongoing discussion to negotiate a plea agreement and I am presently awaiting a response from the Government.

However, yesterday, Sunday, October 21, 2018, Mr. Lambus sent me an e-mail, requesting for the first time that I file a Petition for a Writ of Certiorari on his behalf. Tomorrow, October 23, 2018, is the expiration of the 90 day period to file the Petition. I will need more time to prepare the Petition.

Wherefore, I respectfully request an extension of 60 days to file the Petition for Writ of Certiorari.

Respectfully submitted,



Ronald Rubinstein
Rubinstein & Corozzo, LLP
Attorneys for the Petitioner
Kamel Lambus
260 Madison Ave. 22d Fl.
New York, New York 10016
(212) 545-8777

Dated: October 22, 2018