

No. 19A

IN THE SUPREME COURT OF THE UNITED STATES

JAMES BAILEY-SNYDER,
APPLICANT,

V.

UNITED STATES,
Respondent.

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September 25, 2019

IN THE SUPREME COURT OF THE UNITED STATES

JAMES BAILEY-SNYDER,
Applicant,

v.

UNITED STATES,
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**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Samuel Alito, Associate Justice of the United States and
Circuit Justice for the Third Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Applicant James
Bailey-Snyder respectfully requests a 60-day extension of time to file a petition for a
writ of certiorari to review the judgment of the U.S. Court of Appeals for the Third
Circuit in this case, to December 7, 2019. Mr. Bailey-Snyder has not previously
sought an extension of time from this Court.

As discussed herein, this case raises an important federal question that the
Court has yet to answer: whether imposing solitary confinement pending criminal
investigation triggers the right to a speedy trial under the Sixth Amendment or the
Speedy Trial Act, 18 U.S.C. § 3161(b).

In support of this request, Applicant states as follows:

1. The Third Circuit issued its opinion on May 3, 2019. See *United States
v. Bailey-Snyder*, 923 F.3d 289 (3d Cir. 2019) (attached hereto as Exhibit A). On
July 10, 2019, Mr. Bailey-Snyder's timely petition for rehearing en banc was denied.

See *United States v. Bailey-Snyder*, 923 F.3d 289 (3d Cir. 2019) (en banc denied July 10, 2019) (attached hereto as Exhibit B). As such, the time for filing a petition would expire on October 8, 2019, absent an extension. Consistent with Rule 13.5, this application has been filed at least 10 days before that date. This Court has jurisdiction over this case under 28 U.S.C. § 1254(1).

2. On August 10, 2015, while incarcerated at the Federal Correctional Institution, Schuylkill, correctional officers searched Mr. Bailey-Snyder and found a homemade plastic weapon. Pending criminal investigation by the FBI, Mr. Bailey-Snyder was transferred to solitary confinement. In February 2016, Mr. Bailey-Snyder was interviewed by the FBI and provided a “target” letter. And in June 2016, Federal prosecutors filed criminal charges against Mr. Bailey-Snyder in connection with the seized plastic weapon. He remained in solitary confinement throughout this ten-month period.

3. Subsequently, Mr. Bailey-Snyder moved to dismiss the indictment, arguing that his solitary confinement constituted a dramatic further restriction of liberty triggering his speedy trial rights. The district court denied the motion and Mr. Bailey-Snyder was tried before a jury, which convicted him. The district court sentenced Mr. Bailey-Snyder to a 30-month term to run consecutively to his original criminal sentence.

4. On appeal to the Third Circuit, Mr. Bailey-Snyder pressed his speedy trial arguments. The Third Circuit affirmed, holding as a matter of first impression in that circuit that solitary confinement imposed pending investigation does not

trigger constitutional or statutory speedy trial rights. Because Mr. Bailey-Snyder was imprisoned, “where the curtailment of liberty is the general rule,” when solitary confinement was imposed, the court reasoned that any additional restrictions on liberty did not implicate speedy trial rights.

5. Mr. Bailey-Snyder intends to file a petition for certiorari presenting the question whether imposing solitary confinement pursuant to an investigation—which amounts to a dramatic additional restriction on liberty—triggers constitutional and statutory speedy trial rights. That question satisfies the criterion for certiorari: it concerns a fundamental issue of federal law the Court has yet to address.

6. Mr. Bailey-Snyder respectfully requests additional time to file his petition for certiorari for two reasons.

7. First, Counsel of Record, Daniel Greenfield, did not represent Mr. Bailey-Snyder before the district court or court of appeals and therefore requires additional time to evaluate the record developed below, several volumes of which are sealed.

8. Second, Mr. Greenfield has numerous pre-existing professional obligations, in addition to undersigned counsel’s teaching responsibilities at Northwestern Pritzker School of Law, which would prevent him from developing the sort of comprehensive analysis that would aid this Court in determining whether to grant certiorari. These commitments include:

- An amicus brief in *Heyer v. Federal Bureau of Prisons*, No. 19-7027 (4th Cir.) due October 7, 2019;

- A petition for rehearing in *Hamner v. Burls*, No. 18-2181 (8th Cir.) due October 16, 2019;
- An oral argument in *Porter v. Wetzel*, No. 18-3505 (3d Cir.) on October 22, 2019;
- An oral argument in *Greenhill v. Clarke*, No. 18-7300 (4th Cir.) on October 31, 2019;
- A reply brief in *Johnson v. Prentice*, No. 18-3535 (7th Cir.) due November 13, 2019;
- An opening brief in *Johnson v. Pa. Dep't of Corr.*, No. 18-3505 (3d Cir.) due November 14, 2019;
- An amicus brief in *Ajaj v. Federal Bureau of Prisons*, No. 19-1250 (10th Cir.) due November 15, 2019;
- An opening brief in *Chavez v. Peters*, No. 18-35244 (9th Cir.) due November 21, 2019;
- An opening brief in *DePaola v. Clarke*, No. 19-7199 (4th Cir.) due December 2, 2019;

9. For these reasons, Mr. Bailey-Snyder respectfully requests that the time to file a petition for a writ of certiorari be extended to and including December 7, 2019.

Respectfully submitted,

s/ Daniel M. Greenfield_____

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