

No. 21A____

IN THE
Supreme Court of the United States

JAMAR E. PLUNKETT,
Applicant,
v.

DAN SPROUL,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to this Court's Rules 13.5, 22, and 30, Petitioner Jamar E. Plunkett respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari in this Court, up to and including June 8, 2022.

1. The Seventh Circuit entered judgment dismissing Mr. Plunkett's appeal on October 20, 2021, and it denied Mr. Plunkett's timely petition for rehearing en banc on February 8, 2022. Copies of the Seventh Circuit's opinion and order denying rehearing en banc are attached. Under this Court's Rules, Mr. Plunkett's petition for a writ of certiorari is due on or before May 9, 2022. This Court will have jurisdiction over his petition under 28 U.S.C. § 1254(1).

2. Good cause exists for the requested 30-day extension. Mr. Plunkett's court-appointed counsel of record in the Seventh Circuit, Marco Basile, clerked for Associate Justice Ruth Bader Ginsburg during this Court's October 2019 Term. Under this Court's Rule 7, Mr. Basile is currently barred from participating in cases pending before this Court. As a result, other attorneys from Mr. Basile's law firm, Jones Day, have agreed to assist in the preparation and filing of Mr. Plunkett's petition for a writ of certiorari. They require additional time to familiarize themselves with Mr. Plunkett's case and prepare the petition.

3. In addition, undersigned counsel of record has extensive professional obligations throughout April and May 2022. These include: a two-week trial in May in multidistrict litigation in the Northern District of Ohio, a Tenth Circuit brief due on May 2, and significant dispositive motions due in various state trial courts by early June.

4. Finally, the inequities in this case warrant careful briefing and consideration, which counsel in favor of the requested extension. Specifically, Mr. Plunkett pleaded guilty on the understanding—heavily emphasized by the district court—that, by statute, he faced up to 30 years in federal prison. Indeed, at sentencing, the district court urged Mr. Plunkett to “[c]onvince me I shouldn't just put you away for 30 years.” As everyone now agrees, that understanding was wrong: Mr. Plunkett faced only a 20-year statutory maximum. So he challenged his sentence. Despite the obvious inequities of Mr. Plunkett's situation, however, the Seventh Circuit dismissed his appeal, holding that Mr. Plunkett's plea agreement waived his

current challenge. That holding was wrong, and Mr. Plunkett's counsel require additional time to carefully explain why that is so.

WHEREFORE, Mr. Plunkett respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including June 8, 2022.

Dated: April 22, 2022

Respectfully submitted,



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