

NO. 21-

IN THE SUPREME COURT OF THE UNITED STATES
October term 2021

Radu Miclaus,

Petitioner

v.

United States of America,

Respondent.

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

**APPLICATION TO THE HONORABLE JUSTICE SONIA SOTOMAYOR AS
CIRCUIT JUSTICE**

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APPLICATION FOR AN EXTENSION OF TIME

 Petitioner Radu Miclaus, a Romanian citizen, was sentenced to 216 months in federal prison after being convicted by jury of conspiracy to commit wire fraud, wire fraud, conspiracy to commit computer fraud and related activities, conspiracy to traffic in counterfeit service marks, aggravated identity theft, and conspiracy to commit money laundering. Petitioner filed a direct appeal to the Sixth Circuit Court of Appeals, which affirmed in part and reversed in part. *United States v. Radu Miclaus*, 15 F.4th 689 (6th Cir. 2021) (attached as Exhibit A). A panel rehearing was granted, and an amended opinion was issued on November 9, 2021, *United States v. Radu Miclaus*, 17 F.4th 706 (6th Cir. 2021) (attached as Exhibit B). The Sixth Circuit denied Petitioner's request for rehearing en banc on January 11, 2022 (attached as Exhibit C).

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a 30-day extension of time, up to and including  May 11, 2022, to file a petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit to review that court's decision in *United States v. Radu Miclaus*, 17 F.4th 706 (6th Cir. 2021). (Exh. B).

JURISDICTION

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1), and the time to file a petition for a writ of certiorari will expire without an extension on April 11, 2022. This application is timely because it has been filed more than 10 days prior to the date on which the time for filing the petition is to expire.

REASONS JUSTIFYING AN EXTENSION OF TIME

Counsel for Mr. Miclaus is a Research and Writing Attorney with the Federal Public Defender's Office and is responsible for researching and preparing written pleadings in the district court as well as appellate briefs in the Sixth Circuit. Counsel has dozens of active district court cases, including a murder case which requires extensive research and preparation, *United States v. Perkins*, N.D Oh. 1:21-CR-869. Counsel is also currently preparing appellate briefs in *United States v. Sharp*, Sixth Cir. No. 21-3828, *United States v. Allen*, Sixth Cir. No. 21-4029, and *United States v. Burkey*, Sixth Cir. No. 22-3076. For these reasons, counsel is unable to devote the time and attention necessary to prepare an adequate and effective petition for writ of certiorari by the current due date. Petitioner requests an additional 30 days, which will allow counsel time to prepare the petition for writ of certiorari.

CONCLUSION

Accordingly, the petitioner 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 Wednesday, May 11, 2022.

Dated: March 14, 2022

Respectfully submitted,

STEPHEN NEWMAN
Federal Public Defender

/s/ Catherine Adinaro
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