

No. _____

IN THE
Supreme Court of the United States

CHRISTIN CAMPBELL-MARTIN AND ADAM LEIVA,

Petitioners,

v.

UNITED STATES,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit**

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

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eighth Circuit:

1. Under Supreme Court Rules 13.5, 22, and 30, petitioners Christin Campbell-Martin and Adam Leiva, through counsel, respectfully request a 59-day extension of time, up to and including Thursday, April 7, 2022, to file a petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit to review *United States v. Campbell-Martin*, No. 20-3054/*United States v. Leiva*, No. 20-3181, which were decided in a single opinion. The United States Court of Appeals issued its decision on November 8, 2021. Appendix A. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254. The time to file a petition for a writ of certiorari will otherwise expire on February 7, 2022. The application is timely because it has been filed on or before 10 days before the date on which the petition is otherwise due.

2. The decision of the Eighth Circuit presents important and recurring constitutional questions about whether, following actual identification of individuals who gave false names to police, there is probable cause for police to search closed personal items in a motor vehicle in a purported effort to find additional evidence verifying the individuals' identities. Several federal circuit courts of appeals and state courts of last resort are in conflict regarding whether probable cause exists in such circumstances.

3. Good cause exists for this motion. Undersigned counsel, Lawrence D. Rosenberg of Jones Day, directs the West Virginia University College of Law's Supreme Court Litigation Clinic, which is co-counsel in this case. Students in the

Clinic were taking final examinations and then on their winter break from December 6, 2021, to January 12, 2022, and have thus just recently been able to begin their work on the petition. That task has been made difficult by circumstances related to the pandemic, including the recent illnesses of some of the students. They require additional time to research the issues presented and to assist in presenting an effective petition for a writ of certiorari.

4. Mr. Rosenberg's ability to complete the petition without an extension has also been made extremely difficult by in-patient surgery that he had on January 19, 2022, which required a substantial hospital stay, and from which he is still recovering.

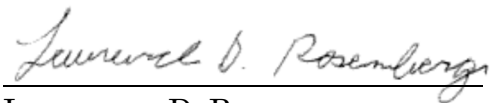
5. Mr. Rosenberg also has had recently, and will have in the coming weeks, significant professional commitments that would also make it extremely difficult to complete the petition without an extension. Mr. Rosenberg is lead counsel in *Citigroup Inc., et al. v. Villar*, No. 2:19-cv-05310-GW (C.D. Cal.), in which he had to file pleadings on December 13, 2021, January 10, 2022, and January 27, 2022, in which he had to participate in a hearing on December 16, 2021, and in which he has another hearing on January 31, 2022. He is also lead counsel in *United States v. Fallin*, No. 20-7702 (4th Cir.), in which the opening brief and appendix were filed on December 22, 2021, and in which a reply brief will be due on March 4, 2022. He is also lead counsel in *Lufthansa Technik v. Thales Avionics, Inc.*, No. 20-56293 (9th Cir.), in which he had to file a petition for panel rehearing and en banc rehearing on January 10, 2022. Mr. Rosenberg is also lead counsel in *Lufthansa Technik v. Panasonic Avionics Corp.*, No. 2:17-cv-01453-JCC (W.D.

Wash.), in which he is coordinating simultaneous document discovery from several parties, and in which he had to conduct a deposition in Seattle, Washington, on December 9, 2021, and in which he will be conducting one or more additional depositions in Seattle, Washington, in late February 2022. Mr. Rosenberg is also lead counsel in *Antero Resources Corp. v. Irby*, Nos. 21-0119, 21-1021 (W. Va.), in which he has oral argument in the Supreme Court of Appeals of West Virginia on March 2, 2022, and is lead counsel in *United States v. Wilkerson*, No. 20-6010 (6th Cir.), in which he has oral argument on March 24, 2022.

WHEREFORE, Ms. Campbell-Martin and Mr. Leiva respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 59 days, up to and including April 7, 2022.

January 27, 2022

Respectfully submitted,



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