

No. 22-

IN THE SUPREME COURT OF THE UNITED STATES

BAKHTIYOR JUMAEV

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

**Application for an Extension of Time Within Which to File a
Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Tenth Circuit**

APPLICATION TO THE HONORABLE NEIL M. GORSUCH AS
CIRCUIT JUSTICE

June 13, 2022

Caleb Kruckenberg
Counsel of Record
Counsel for Petitioner

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Bakhtiyor Jumaev requests a 30-day extension of time within which to file a petition for a writ of certiorari, up to and including July 22, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *United States v. Jumaev*, No. 18-1296, Dec. 8, 2021 (attached as Exhibit 1). The U.S. Court of Appeals for the Tenth Circuit denied Applicant's motion for rehearing on March 24, 2022. (Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before June 22, 2022. In accordance with Rule 13.5, this application is being filed at least 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

This is a complex case in which Applicant challenges, among other things, the reasons why he spent six years and one day in pretrial custody before being tried in the district court.

The decision under review, coupled with a related opinion concerning Mr. Jumaev's co-defendant, Jamshid Muhtorov, spans nearly 300 pages. In *Muhtorov*, the majority opinion spans 163 pages, with a 48-page dissent, and in *Jumaev*, the majority opinion is 54 pages long, with a 10-page dissent. Both opinions involve significant analysis of an extremely complex factual record.

The record on appeal is also exceptionally large, and includes more than 10,000 pages of partially-classified documents and transcripts.

Given the complexity of the factual and legal issues in this case, more time is needed to adequately prepare Mr. Jumaev's petition for certiorari.

In addition, undersigned counsel has other pressing matters that make it difficult for him to file the petition before June 22nd. For instance, undersigned counsel must file a motion for summary judgment in the U.S. District Court for the District of Colorado on or before June

15, 2022. *See Bradford, et al. v. Dept. of Labor, et al.*, 1:22-cv-3283. Undersigned counsel also must prepare for and litigate a motion for preliminary injunction that is scheduled for July 18, 2022, in the U.S. District Court for the Central District of California. *See Doe, et al. v. U.S. Dept. of Justice*, 5:22-cv-00855. More time would allow undersigned counsel an opportunity to properly brief the petition in this case.

Furthermore, communication between undersigned counsel and Applicant is complicated by the unavailability of adequate translation services. Mr. Jumaev primarily speaks a dialect of Uzbek, which makes communication between him and counsel difficult to coordinate. An extension would allow Mr. Jumaev to have a full opportunity to review and contribute to his petition.

CONCLUSION

The time in which to file a petition for a writ of certiorari should be extended by 30 days.

June 13, 2022

Respectfully,

/s/ Caleb Kruckenberg
Caleb Kruckenberg