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IN THE  
SUPREME COURT OF THE UNITED STATES

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Jamshid Muhtorov,

Petitioner,

v.

United States of America,

Respondent.

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

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

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To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioner Jamshid Muhtorov, by undersigned counsel, prays for a 30-day extension of time, to and including July 22, 2022, in which to file a petition for a writ of certiorari. In support of this request, counsel states as follows:

1. On December 8, 2021, the United States Court of Appeals for the Tenth Circuit affirmed Mr. Muhtorov's federal convictions for conspiring and attempting to provide material support to a foreign terrorist organization, in violation of 18 U.S.C. § 2339B. (Attachment A.)

2. On March 24, 2022, the Tenth Circuit Court of Appeals denied Mr. Muhtorov's petition for panel rehearing and rehearing en banc. (Attachment B.)

3. Mr. Muhtorov has ninety days from March 24, 2022, to petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on June 22, 2022. This application is being filed at least ten days before that date, and the jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. There are two reasons counsel seeks this 30-day extension of time: the complexity of the case, and counsel's existing caseload in other matters.

5. Mr. Muhtorov's case was procedurally consolidated in the court of appeals with that of his co-defendant, Bakhtiyor Jumaev (10th Cir. case no. 18-1296). The appellate record was over 12,000 pages, and the cases proceeded on an extended briefing schedule and involved an extended oral argument time. Additionally, the

issues raised were complex: Mr. Muhtorov's case presented three issues of first impression in the circuit, as well as a factually intensive constitutional speedy trial claim. Indeed, the scope and complexity of the issues presented are evidenced by the nearly 300 pages of opinions issued by the court of appeals between the two cases: a 163-page majority opinion in *Muhtorov*, along with a 48-page dissent; and a 54-page majority opinion in *Jumaev*, along with a 10-page dissent. Accordingly, it is taking counsel greater time to prepare a petition for certiorari than is typical for most direct criminal appeals.

6. Additionally, counsel has extensive ongoing commitments in other cases and in a supervisory capacity. Counsel is, for example, currently responsible for the first brief on cross-appeal in *United States v. Warrington*, 22-7003 (due June 30), and reply briefs in *United States v. Bush*, 21-3071 (due June 15; extension anticipated to be sought) and *United States v. Salti*, 21-3183 (due June 30; extension anticipated to be sought). Counsel also has recently been working with colleagues in evaluating legal issues and preparing pretrial motions in numerous cases pending in the district court, and also spent a significant amount of time this spring assisting colleagues with their preparations for oral argument before the Tenth Circuit Court of Appeals during its May sitting, and will again be doing so this month for a special session in June. Counsel also recently has been occupied with numerous issues related to the release, or conditions of confinement, for multiple clients, including those involved in recent

remands from the Tenth Circuit in *United States v. Sutton*, 20-7028 (conviction reversed April 5), and *United States v. Frazier*, 20-4131 (suppression ruling reversed, and case dismissed May 4), as well as working on a motion for compassionate release in *United States v. Burkes*, D. Wyo. 15-cr-149 to be filed in mid-June. Supervisory responsibilities also take up a significant amount of counsel's time.

7. Given their own current caseloads, as well as the work undersigned counsel has put into this case as counsel of record for over three years, no other attorney in the Office of the Federal Public Defender is in the position to file the petition by its current due date.

8. For these reasons, this 30-day extension of time is needed for counsel to prepare Mr. Muhtorov's petition for a writ of certiorari.

9. The requested extension of time is for 30 days, to and including July 22, 2022. *See* Sup. Ct. R. 13.5.

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For these reasons, Petitioner Jamshid Muhtorov respectfully requests that an order be entered extending the time in which to petition for a writ of certiorari by 30 days, to and including July 22, 2022.

Respectfully submitted,

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