

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2021

OYEYEMI OWAGBORIAYE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI FROM THE JUDGMENT OF THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Oyeyemi Owagboriaye respectfully requests a sixty-day extension of time, to and including August 26, 2022, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Eleventh Circuit. Mr. Owagboriaye has not previously sought an extension of time from this Court.

Mr. Owagbioriaye is filing this Application at least ten days before the filing date, which is June 27, 2022. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Owagbioriaye was convicted after trial of one count of wire fraud, in violation of 18 U.S.C. §§ 1343 and 2. He was acquitted of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. He appealed his conviction to the United States Court of Appeals for the Eleventh Circuit, raising important issues, including whether the wire fraud statute stretched to cover the conduct charged. The Eleventh Circuit affirmed Mr. Owagbioriaye's conviction in an unpublished opinion after hearing oral argument in the case. A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

Undersigned counsel will not have sufficient time to prepare and file the petition for writ of certiorari for Mr. Owagbioriaye by June 27, 2022, as she is currently working on the following other matters, among others: a reply brief in *United States v. Kevin McCall*, Appeal Case No. 21-13092 (due June 14, 2022); an initial brief in *United States v. Terrance Louis*, Appeal Case No. 21-14252 (due June 21, 2022); reply briefs in *Antonio Rosello v. United States*, Appeal Case No. 21-14440 (due July 21, 2022), and *Lazaro Veliz v. United States*, Appeal Case No. 21-14435 (due August 4, 2022); an initial brief in *United States v. Sean Bindranauth*, Appeal Case No. 22-10944; and *United States v. Julian Garcon*, Appeal Case No. 19-14650 (set for rehearing en banc June 21, 2022).

Undersigned counsel believes that additional time is important to ensure the effective representation of Mr. Owagboriaye. No party will be prejudiced by the granting of a sixty-day extension.

Accordingly, since the time within which to file a petition for writ of certiorari in this case will expire on June 27, 2022 unless extended, Mr. Owagboriaye respectfully requests that an order be entered extending his time to file a petition for writ of certiorari by sixty days, to and including August 26, 2022.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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