

No. 21A854

IN THE SUPREME COURT OF THE UNITED STATES

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NIZAR TRABELSI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

TO THE HONORABLE JOHN G. ROBERTS, CHIEF JUSTICE OF THE  
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Pursuant to Rules 13.5 and 30.2 of the Supreme Court of the United States, petitioner Nizar Trabelsi, through undersigned counsel, respectfully requests a 30-day extension, until August 25, 2022, to file his petition for a writ of certiorari to this Court. This is Petitioner's second request for an extension of time.

Mr. Trabelsi was extradited from Belgium to the United States to face charges for conspiracy to kill United States nationals outside of the United States, in violation of 18 U.S.C. §§ 2332(b)(2) and 1111(a) (Count One); conspiracy and attempt to use weapons of mass destruction, in violation of 18

U.S.C. §§ 2332a and 2 (Count Two); and providing and conspiring to provide material support and resources to a foreign terrorist organization, namely al Qaeda, in violation of 18 U.S.C. § 2339B (Counts 3 and 4). Counts 3 and 4 were subsequently dismissed.

In the district court and Court of Appeals, Mr. Trabelsi challenged the scope of the extradition based on the Belgian courts' orders and decisions limiting the extradition. On March 25, 2022, in this interlocutory appeal, the United States Court of Appeals for the District of Columbia Circuit issued a published opinion affirming the district court's denial of Mr. Trabelsi's motion to reconsider the district court's earlier denial of Mr. Trabelsi's motion to dismiss the indictment for a double jeopardy-equivalent Treaty violation. The district court's judgment and the judgment and decision of the D.C. Circuit were attached to the application filed on June 21, 2022. No petition for rehearing was filed.

On June 27, 2022, the Court granted Petitioner's application for an extension of time to file a writ of certiorari. Any petition for writ of certiorari is due on or before July 25, 2022. This request is being filed four days before that date. Rule 30.2. The jurisdiction of this Court is to be invoked under 28 U.S.C. § 1254(1).

It is the position of petitioner that this case presents a significant issue that warrants that the Court grant his forthcoming petition for writ of certiorari: Did

significant, new evidence establish that the Belgian courts and executive, pursuant to the U.S.-Belgian Treaty and Belgian law, limited the scope of the extradition order?

Undersigned counsel represented Mr. Trabelsi in the district court and in the Court of Appeals. Mr. Trabelsi's case has been returned to the district court for trial. On June 2, 2022, Mr. Trabelsi requested new counsel, and the district court instructed undersigned counsel to determine whether Mr. Marc Eisenstein, Esq., was available to assist Mr. Trabelsi in his defense. Mr. Trabelsi also requested to represent himself at the district court trial. On July 8, 2022, the district court held a *Faretta* hearing and granted Mr. Trabelsi's request to represent himself at trial. The Court appointed Mr. Eisenstein as standby counsel under the Criminal Justice Act. Undersigned counsel understands that Mr. Eisenstein will handle pretrial motions and legal arguments at trial. This would include representing Mr. Trabelsi in any matters before this Court.

Mr. Eisenstein is not a member of this Court. Mr. Eisenstein conveyed to undersigned counsel that his registration to this Court was denied because he was not appointed in the matter before the United States Court of Appeals for the District of Columbia Circuit. Mr. Eisenstein is also not a member of

the District of Columbia Circuit CJA panel, but has requested through the Office of the Federal Public Defender to be added the panel.

Mr. Eisenstein has also been unable to speak with Mr. Trabelsi since July 8, 2022. Mr. Trabelsi did not appear for three scheduled video legal visits. The jail at which Mr. Trabelsi is held has communicated to Mr. Eisenstein that the video visitation platform is not functioning. Mr. Eisenstein requested a phone call with Mr. Trabeli but has not heard back from the jail.

Further, Mr. Eisenstein has only a basic understanding of the underlying record. He has communicated that he believes he needs additional time learn the record and perform the required research and writing to sufficiently prepare a petition for a writ of certiorari to this Court.

Undersigned counsel respectfully submits that a 30-day extension will be sufficient for Mr. Eisenstein to be appointed and to adequately prepare the petition for a writ of certiorari.

Respectfully Submitted,

*/s/ Sandra Roland*

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**CERTIFICATE OF SERVICE**

Pursuant to Rule 29.5(b) of the Supreme Court of United States, I certify that I have been appointed to represent Mr. Trabelsi on appeal in the United States Court of Appeals for the District of Columbia Circuit. I further certify that on July 20, 2022, at the time of filing, I served the foregoing via the Court's electronic filing system and via first-class mail as follows

Chrisellen Kolb, Esq.  
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Solicitor General of the United States  
United States Department of Justice  
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Sandra Roland