

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

SCOTT ALLINSON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**PETITIONER'S APPLICATION TO EXTEND TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

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TO THE HONORABLE SAMUEL A. ALITO, JR., AS CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT:

Pursuant to this Court's Rule 13.5, Petitioner Scott Allinson respectfully requests that the time to file his Petition for Writ of Certiorari be extended for 60 days up to and including November 6, 2022. The Third Circuit Court of Appeals ("Court of Appeals") issued its opinion and judgment affirming Petitioner's conviction for federal program bribery and conspiracy on March 4, 2022 (Appendix ("App.") A). The Court of Appeals denied rehearing *en banc* on June 6, 2022 (App. B). Absent an extension of time, the Petition for Writ of Certiorari would be due on September 6, 2022. Petitioner is filing this Application more than ten days before that date. This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1). Petitioner acknowledges that extensions of time are disfavored and respectfully submits that, as set forth more fully below, the particularized circumstances of this case warrant the relief requested.

Reasons For Granting An Extension Of Time

The time to file a Petition for a Writ of Certiorari should be extended for 60 days for the following reasons:

1. Prior to the filing of his appeal, Petitioner's Counsel of Record, Megan Scheib, represented Scott Allinson as a member of a defense team lead by William J. Winning, Esq., then co-chair of the criminal practice group at the law firm of Cozen O'Connor, together with the support of a large firm infrastructure, including an associate, paralegal, secretary and internal technical support. Subsequently, Mr. Winning retired from the practice of law. Thereafter, undersigned counsel separated

from the firm and began representing Petitioner as a solo practitioner working out of her home under the constraints of the ongoing Covid-19 pandemic. In a criminal case of this magnitude and with a record of this volume (implicating hundreds of thousands of pages of transcripts and exhibits, including numerous audio and video exhibits), undersigned counsel requires an additional 60 days to meet her ethical obligations in the completion of the Petition for Writ of Certiorari. Also of note, this case is undersigned counsel's first matter before this honorable Court.

2. A combination of Petitioner's status on bail pending appeal, the length of his sentence and certain familial circumstances (set forth below) delayed his ability to determine whether it was appropriate or reasonable to pursue certiorari with this Court until the resolution of matters pending before the lower courts. With these factors in mind, as well as the preservation of judicial resources, Petitioner only definitively decided within the past two weeks to pursue a writ of certiorari.

3. In June 2018, the United States District Court for the Eastern District of Pennsylvania ("District Court") sentenced Petitioner to a term of 27 months and remanded him into custody upon sentencing. In August 2018, the Court of Appeals granted bail pending appeal. Petitioner has been released on bail since on or around that time, leaving less than 25 months remaining on Petitioner's term of imprisonment before the application of any "good time" credit.

4. The Court of Appeals denied Petitioner's Motion to Stay Mandate on July 27, 2022. Thereafter, undersigned counsel conferred with government counsel, Robert A. Zauzmer, Esq., and the parties reached an agreement to continue bail

pending an anticipated petition for certiorari. By letter dated August 2, 2022, Petitioner advised the District Court of the parties' agreement. There has been no further action in the District Court. Accordingly, Petitioner remains out on bail pending appeal.

5. With respect to the familial circumstances referenced above – Petitioner's wife was diagnosed with a rare form of breast cancer during the pendency of the case in the Court of Appeals and is undergoing treatment.¹ Petitioner is the sole caregiver to his wife while also working multiple positions of employment. Thus, the extension requested herein is also necessary to allow Petitioner to engage with counsel at this critical juncture in the case. This personal factor also contributed to the delay of Petitioner's decision whether he would reasonably should pursue certiorari if detained in the interim.

6. A significant prospect exists that this Court will grant certiorari. This case presents issues of the utmost constitutional importance in First Amendment law. Petitioner's bribery conviction was based solely on the payment of campaign contributions paid by other individuals, thus presenting an issue of first impression before this Court. The import of the panel decision is far-reaching in terms of campaign finance practices applying to candidates for public office, individual citizens and organizational political action committees.

¹ Undersigned counsel has provided documentation of these circumstances to government counsel in the Eastern District of Pennsylvania and the District Court.

7. Based upon the foregoing, Petitioner anticipates that there may be organizations interested in contributing amicus briefs in support of his Petition for Writ of Certiorari. The time requested would also allow for undersigned counsel to communicate with those potential amici representatives with significant interests in the outcome of the case.

8. This case further presents a compelling opportunity to reconcile an existing split amongst the federal circuits on how to apply the *McCormick v. U.S.*, 500 U.S. 257 (1991) and *Evans v. U.S.*, 504 U.S. 255 (1992) decisions distinguishing between the explicit and implicit quid pro quo standards in campaign contribution versus non-contribution cases.

9. This Court recently signaled the strong likelihood that it will, at a minimum, review Petitioner's case in the recent majority decision in *Federal Election Comm'n v. Ted Cruz for Senate, et al.*, 596 U.S. ___ (May 16, 2022). In *Cruz*, this Court struck down an anti-bribery law in favor of the First Amendment, which, it observed, "has its fullest and most urgent application precisely to the conduct of campaign political office." *Ted Cruz for Senate, supra*. This decision is consistent with the more than three-decade trend narrowing the scope of federal corruption law, cautioning prosecutors not to impose "standards of...good government" on "local and state officials." *U.S. v. McNally*, 483 U.S. 350 (1987); *see also Kelly v. U.S.*, 140 S.Ct. 1565 (2020); *McCutcheon v. Federal Election Comm'n*, 572 U.S. 185 (2014); *Skilling v. U.S.*, 561 U.S. 358 (2010).

10. On Monday, August 8, 2022, just days after the parties reached an agreement regarding the status of Petitioner's bail, undersigned counsel was injured while traveling out-of-state, resulting in a badly sprained ankle, thereby causing her to miss approximately one week of work.² But for these factors, Petitioner would have filed this Application sooner.

11. This Application is not sought for purposes of delay but solely for purposes to allow undersigned counsel to adequately evaluate, prepare and file the Petition for Writ of Certiorari in a case of this size and import.

12. An extension will not cause prejudice to Respondent. Undersigned counsel contacted the Office of the Solicitor General on August 16, 2022, to confer regarding Respondent's position on this Application. As of the filing of this Application, Petitioner has not received a response.

Conclusion

For the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari be extended 60 days, up to and including November 6, 2022.

Respectfully submitted,



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² If required by the Court or requested by opposing counsel, undersigned counsel will readily provide the medical records substantiating this paragraph.

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