

No. 22A21

In the Supreme Court of the United States

KEPA MAUMAU,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondents.

*ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT*

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI**

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**APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI**

**To the Honorable Neil Gorsuch, as Circuit Justice for the United States
Court of Appeals for the Tenth Circuit:**

Applicant Keba Maumau respectfully requests an extension of 30 days in which to file his petition for writ of certiorari, seeking review of the Tenth Circuit's decision in *United States v. Maumau*, Case No. 17-4155 (10th Cir. April 5, 2022), a copy of which is attached to this application.

In support of this application, Applicant provides the following information:

1. The Tenth Circuit issued its decision on January 31, 2022, and it denied Mr. Maumau's petition for rehearing on April 5, 2022. Without any extension, the petition for certiorari would have been due on July 5, 2022.
2. The court granted one extension, and the petition is currently due on August 3, 2022.
3. Granting this extension would make it due on September 2, 2022.
4. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).
5. As the attached decision shows, the Tenth Circuit held that Mr. Maumau's conviction for Hobbs Act robbery was properly categorized as a "crime of violence" under 18 U.S.C. § 924(c). This decision, however, conflicts with the Tenth Circuit's pattern jury instructions, which were used at trial in this case. And it also conflicts with the pattern jury instructions adopted by other circuits as well. Based on the ruling in his case, and the division among the circuits with respect to the

elements of Hobbs Act robbery, Mr. Maumau has determined he will seek review via a petition of certiorari.

6. Additionally, the decision below conflicts with this court's recent decision in *United States v. Taylor*, 20-1459 (U.S. Jun. 21, 2022), which held that attempted Hobbs Act robbery is not a crime of violence under § 924(c). As this case was decided after the decision was issued below, additional time is needed to fully analyze and brief the issues in light of *Taylor*.

7. This application is not sought for purposes of delay. Undersigned counsel is the lead attorney on more than 100 pending appeals, original prosecutions, and post-conviction petitions. As a result of this caseload, additional time is needed to complete the petition in this case.

8. Finally, the court should be aware that this case is a companion case to *Kamahele v. United States*, 21A874. Undersigned counsel filed the request for an extension in both cases on the same day. The court granted 60 days in *Kamahele* but only 30 days in this case. The legal and factual issues in the two cases are virtually identical. Judicial economy favors keeping the two cases together for briefing and conference.

There are currently no other attorneys in the Federal Public Defender office who are familiar enough with the record in Mr. Maumau's case to be capable of preparing a petition by the current due date.

For the foregoing reasons, Mr. Maumau requests a 30-day extension of time in which to file a petition for a writ of certiorari.

Respectfully submitted,

/S/ Benjamin C. McMurray
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Application for an Extension of Time to File a Petition for Writ of Certiorari was served via UPS and post prepaid, upon the following counsel:

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/S/ Liza Miller
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