

App No. \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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JUSTIN WILCOX  
Applicant/Petitioner,

v.

United States of America,  
Respondent

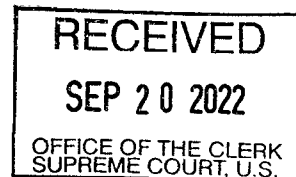
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On Application for an Extension of  
Time To File a Petition for a Writ of Certiorari

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

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To the Honorable Elena Kagan, Associate Justice of the United States and  
Circuit Justice for the Ninth Circuit:

### **APPLICATION OF AN EXTENSION OF TIME**

Pursuant to 28 U.S.C. Section 2101(c) and Rules 13.5, 22 and 30.2 of this  
Court, Petitioner Justin Wilcox respectfully requests a 60-day extension of the time  
in which to file a petition for writ of certiorari to the Supreme Court of the United  
States, up to including November 19, 2022. Petitioner's time to file a petition for  
writ of certiorari in this Court will currently expire on September 20, 2022.

### **JUDGEMENT FOR WHICH REVIEW IS SOUGHT**

The Ninth Circuit entered its Order on June 22, 2022. A copy of the Ninth  
Circuit's Order and Judgment is attached as Exhibit "1."

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

Petitioner has good cause for a 60-day extension of time in which to file a  
petition for a Writ of Certiorari. Rule 13.5, 30.2 USC. ("[A] Justice may extend the  
time to file a petition for writ of certiorari for a period not exceeding 60 days").

1. Counsel would not normally ask for a 60-day extension request, but  
does so in order to allow adequate time to research and complete the petition.
2. The extension of time is also necessary because Counsel for Petitioner  
had numerous conflict and overlapping deadlines in other matters during the  
current deadline for filing of a Petition for Writ of Certiorari in this case, as well as  
other impending deadlines.

3. Among the recent deadlines,

Counsel was in preparation for trial in the case entitled ACM Investor Service, Inc. vs. Emaleti Telesia Mokofisi; Civil No. 19-1-0065-01; Circuit Court of the First Circuit, State of Hawaii. Trial was scheduled for September 12, 2022, but settled late August 2022.

Counsel was in preparation for trial in the case entitled Loretta A. Alameda v. Ellen B. Politano; Civil No. 18-1-0691-05; Circuit Court of the First Circuit, State of Hawaii. Trial was also scheduled to begin in September 2022, but settled in August 2022.

Counsel was scheduled for mediation of the case entitled Shing Fat Ho v. Kon Tim Lau; Civil No. 1CCV-22-00005721; Circuit Court of the First Circuit, State of Hawaii on August 29, 2022 and September 15, 2022.

Counsel worked on two Memorandums in Oppositions to Motions for Summary Judgment in the case entitled Bernard Marcos, Jr v. State Farm Fire and Casualty Company; Civil No. 20-00336; In the United States District Court for the District of Hawaii. The Memorandums were due on September 7, 2022 and September 14, 2022 respectively.

Counsel is in full preparation for a Circuit Court trial in the case entitled Stoermer Automotive, LLC v. Reynold Hirazumi, et al.; Circuit Court of the First Circuit, State of Hawaii; Civil No. 1CCV-20-0001259. In connection with the trial, counsel was involved in a total of 6 depositions, preparation of exhibits, Motions in Limine and Jury Instructions. In addition to the trial documents, various other

motion were impending, including, Defendants' Motion for Summary Judgment, Defendants' Motion for Leave to File First Amended Complaint and Plaintiff's Motion for Birfucation.

4. Counsel has also not been able to keep in consistent communication with Petitioner as Petitioner is incarcerated.

In an abundance of caution, Counsel, therefore, requests, an extension to file his Petition for a Writ of Certiorari.

This Application for Extension is brought in good faith and not for purposes of delay. A 60-day extension for Petitioner would allow Counsel the necessary amount of time to effectively advocate for all matters.

#### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Application and extend Petitioner's time to file a petition for writ of certiorari by 60 days, up to and including November 19, 2022.

Respectfully Submitted,



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**EXHIBIT "1"**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUN 22 2022

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JUSTIN K. WILCOX, AKA Ali'i, AKA  
Justin Kaanoi,

Defendant-Appellant.

No. 21-10188

D.C. No. 1:17-cr-00555-DKW-1  
District of Hawaii,  
Honolulu

ORDER

Before: SILVERMAN, WATFORD, and FORREST, Circuit Judges.

Appellant's motion (Docket Entry No. 24) for an extension of time to file a response to appellee's motion to dismiss is granted. The response has been filed and considered.

Appellant's motion (Docket Entry No. 26-1) to file under seal Exhibit A to his response to the motion to dismiss is denied because Exhibit A itself, and several other documents describing the sensitive information in Exhibit A, were included in appellant's publicly filed excerpts of record. The Clerk will unseal Docket Entry No. 26.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver (Docket Entry No. 23) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language

encompasses the right to appeal on the grounds raised is enforceable). Appellant's challenge to the denial of his motion to withdraw his guilty plea is covered by the appeal waiver. *See United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011). To the extent appellant contends the waiver is unenforceable because he received ineffective assistance of counsel, we decline to address his claims of ineffective assistance of counsel on direct appeal. *See id.* at 1259-60. Moreover, appellant's arguments that the waiver is unenforceable because the government breached the plea agreement are not supported by the record.

**DISMISSED.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 14 2022

MOLLY C DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUSTIN K. WILCOX, AKA Ali'i, AKA  
Justin Kaanoi,

Defendant - Appellant.

No. 21-10188

D.C. No. 1:17-cr-00555-DKW-1  
U.S. District Court for Hawaii,  
Honolulu

**MANDATE**

The judgment of this Court, entered June 22, 2022, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule  
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER  
CLERK OF COURT

By: Nixon Antonio Callejas Morales  
Deputy Clerk  
Ninth Circuit Rule 27-7



JAN 13 2022

CERTIFICATE OF SERVICE

A copy of this application was served by email to the counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3.

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N. W., Washington, DC 20530-0001

Attorneys for UNITED STATES OF AMERICA

DATED: Honolulu, Hawaii, September 16, 2022.



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Justin Kaanoi, also known as "Ali'i"

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## TRANSMITTAL LETTER

September 16, 2022

USPS Mail

To: Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Re: Justin Wilcox v. United States of America; No. 21-10188; D.C. No. 1:17-  
cr-00555-DKW-1

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Document	Filed	Description
1 Original Plus 3		Application for an Extension of Time to File a Petition for a Writ of Certiorari To the Supreme Court

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Transmitted Herewith:

<input checked="" type="checkbox"/>	For Your Information/Files	<input type="checkbox"/>	Per Your Request
<input type="checkbox"/>	For Your Signature and Return	<input type="checkbox"/>	See Remarks Below
<input type="checkbox"/>	For Review and/or Comment	<input checked="" type="checkbox"/>	Enclosures
<input type="checkbox"/>	For Correction	<input type="checkbox"/>	Other

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**REMARKS:**

