

THE SUPREME COURT OF THE UNITED STATES

SYLVIA HOFSTETTER)
Petitioner)

v.)

UNITED STATES OF AMERICA)
Respondent)

6TH COURT OF APPEALS
CASE NO. 20-6245

CORRECTED
MOTION FOR EXTENSION OF TIME TO FILE WRIT OF CERTIORARI

Comes the petitioner, Sylvia Hofstetter (“Ms. Hofstetter”), by and through undersigned counsel and hereby submits this corrected motion to this Honorable Court for a 30-day extension of time within which to file a Petition for Writ of Certiorari.

In support of this motion, Ms. Hofstetter avers:

1. Only July 8, 2022 an electronic Motion for a 30-day Extension of Time to file a Petition for Writ of Certiorari was filed with this Court and the hard copy received by the Court on July 11, 2022.
2. On Friday, July 15, 2022, undersigned counsel following up on the Motion for extension of time, contacted the Office of The Supreme Court Clerk and was notified of a filing defect in the original motion for failure to comply with Rule 13.5. The instant motion is filed to correct that deficiency.

3. This matter was tried in the U.S. District Court for the Eastern District of Tennessee from October 2019 to February 2020 for more than 40 days in Court. The Defendant was sentenced to 400 months after a jury verdict of guilty on Count 1, a violation of 18 U.S.C. §1962(d), Counts 2 and 4, violations of 21 U.S.C. § 846 and 21 U.S.C. §841(B)(1)(C), Counts 3 and 5, violations of 18 U.S.C. § 1956(h), Counts 6 and 7, violations of 18 U.S.C. §1957(a) and § 1957(b), Counts 11-13) violations of 21 U.S.C. §856(a)(1) and 21 U.S.C. §856(b) and 18 U.S.C. §2, and Count 14 a violation of 21 U.S.C. §841(a)(1), 21 U.S.C. §841(b)(1)(C) and 18 U.S.C. §2. (R. 993, Judgment, Page ID # 71876-71883). The transcripts of these trial proceedings and additional pretrial proceedings are comprised of thousands of pages.
4. The appeal of this matter was consolidated with the appeals of the three other co-defendants, (*U.S. v. Womack*, No. 20-6426, *U.S. v. Clemons* 20-6427, and *U.S. v. Newman*, No. 20-6428) who also went to trial, and were proscribing providers, at the clinic managed by Ms. Hofstetter. The Sixth Circuit Court of Appeals denied relief in the consolidated cases in an Opinion dated April 11, 2022. The deadline for filing a Petition for Writ of Certiorari with this Court was July 11, 2022.

5. This Court granted Writ of Certiorari in the cases of Ms. Hofstetter's co-defendants at trial on July 12, 2022, notice of which undersigned counsel received via ECF on July 18, 2022, as undersigned counsel was preparing this corrected motion. (*Clemons v. U.S.*, No. 22-5077, *Newman v. U.S.*, No. 22-5075, and *Womack v. U.S.*, No. 22-5076.)
6. On June 27, 2022, this Court issued the slip opinion in *XIULU RUAN v. UNITED STATES*, S.Ct. No. 20-1410 addressing the proof required for the conviction under 21 U.S.C. §841 for the prescription by a provider of prescription narcotics. Undersigned counsel learned of this opinion on June 29, 2022. *Ruan* directly impacts the Petitioner's case. Undersigned counsel is a solo practitioner, and despite undersigned counsel's best efforts, considering other client obligations, and a brief illness, in the time since the release of the *Ruan* opinion, counsel has been unable to complete the Petition for Writ of Certiorari to account for this new authority from this Court.
7. The three trial co-defendants were convicted on only a small number of counts. Ms. Hofstetter's convictions are more numerous and the issues appealed, and the impact of this Court's decision in *RUAN*, therefore, more complex.

8. Accordingly, undersigned counsel moves the Court to grant an additional 30 days from the original July 11, 2022 deadline, until August 11, 2022, within which to complete and file the Petition for Writ of Certiorari on behalf of Ms. Hofstetter.

Respectfully submitted this 18th day of July 2022.



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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2022 a copy of the foregoing pleading was mailed via US Mail Priority and will also be filed electronically. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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This 18th day of July 2022.


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