

No.

In the Supreme Court of the United States

TAYLOR J. MATSON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**On Application for Extension of Time to File
Petition for a Writ of Certiorari to the United
States Court of Appeals for the Ninth Circuit**

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

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Counsel for Petitioner

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

Petitioner, Taylor J. Matson, through undersigned counsel and pursuant to Supreme Court Rules 13.5 and 30, respectfully applies to Associate Justice Kagan as Circuit Justice for the United States Court of Appeals for the Ninth Circuit and requests a 60-day extension of time from August 15, 2023 until October 16, 2023 to file his petition for a writ of certiorari.

1. On May 17, 2023, the Ninth Circuit affirmed Petitioner’s conviction in *United States v. Matson*, No. 22-30060 (9th Cir.), and he’s currently serving his 10-year sentence. A copy of the opinion is attached hereto. *See* Sup. Ct. R. 13.5.

2. Petitioner didn’t seek panel rehearing or rehearing *en banc* in the Ninth Circuit. *See id.* Accordingly, his petition for a writ of certiorari is currently due filed in this Court 90 days after May 17, 2023 on August 15, 2023. *See id.* 30.1.

3. Counsel is a board-certified appellate lawyer who operates a solo practice with a heavy caseload, and this is a “cold record” appeal in which he wasn’t previously involved. Rather, Petitioner retained counsel this week. Thus, counsel requires additional time—an additional 60 days, not an additional 30 days—to review the record, analyze potential issues, and prepare the petition for a writ of certiorari.¹

¹ Currently, in addition to other work, counsel has five appellant’s briefs due between now and September 1, 2023 with the following deadlines: August 11, 2023, *Vasilakis v. Davis*, No. 2D23-1198 (Fla. 2d DCA) (commercial eviction); August 24, 2023, *Bovee v. Captain D’s LLC*, No. 6D23-2202 (Fla. 6th DCA) (personal injury); August 25, 2023, *United States v. Syrek*, No. 22-13531 (11th Cir.) (revocation of supervised release); August 28, 2023, *United States v. Williams*, No. 22-13469 (11th Cir.) (13-day jury trial of racketeering double murder and drug conspiracy); September 1, 2023, *Mullane v. U.S. Dep’t of Justice*, Nos. 23-1094 & 23-1104 (1st Cir.) (FOIA and

4. Additionally, this case involves a somewhat extensive record and at least one fairly complicated legal issue.²

WHEREFORE, the Court should grant Petitioner a 60-day extension of time from August 15, 2023 until October 16, 2023 to file his petition for a writ of certiorari.

August 2, 2023

Respectfully submitted,

/s/ Thomas Burns

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Privacy Act dispute). Also, in addition to nine other appeals in various states of record preparation or briefing, counsel has four other fully submitted appeals in which opinions could issue at any time, potentially necessitating time-sensitive rehearing petitions, *see Cantrell v. Coloplast Corp.*, No. 22-2731 (8th Cir.) (vaginal mesh); *Kirschner v. JP Morgan Chase Bank, N.A.*, No. 21-2726 (2d Cir.) (whether syndicated loans are securities); *Lukie v. MetLife Group, Inc.*, No. 22-10967 (11th Cir.) (employment discrimination); *United States v. Albritton*, No. 22-10369 (11th Cir.) (three-day jury trial about drug conspiracy and distribution), plus another appeal on remand from this Court that's been set for its second oral argument on October 4, 2023, *see United States v. Duldulao*, Nos. 20-13973 & 20-14670 (11th Cir.) (pain clinic prosecution).

² The record in this appeal is somewhat extensive. It arose from a three-day jury trial, after which Petitioner was convicted of attempted child enticement. There are over 200 docket entries, hundreds of pages of transcripts, scores of documentary exhibits, and extensive appellate briefing and oral argument audio. At minimum, the certiorari petition will address a circuit split regarding the permissible scope of case agents' testimony. *Compare United States v. Matson*, 2023 WL 3495810, at *2 (9th Cir. 2023) ("agent's testimony about the meaning of sexual terms used in conversations was permissible" (quoting *United States v. Macapagal*, 56 F.4th 742, 747 (9th Cir. 2022))), *with United States v. Hawkins*, 934 F.3d 1251, 1264–66 (11th Cir. 2019) (admission of case agent's "improper testimony" that "summarized evidence, interpreted plain language, and drew inferences from the evidence that the jury must draw (or not draw) for itself" was plain error that required new trial (cleaned up)).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, August 2, 2023, as required by Supreme Court Rule 29, I have served the enclosed Application For Extension Of Time To File Petition For A Writ Of Certiorari on each party to the above proceeding or that party's counsel, and on every other person required to be served, via email and by depositing an envelope containing the above document in the U.S. mail properly addressed to each of them and with first-class postage prepaid. The names and addresses of those served are as follows:

Solicitor General of the United States
Department of Justice, Room 5614
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August 2, 2023

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