

No. 23A127

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUL 25 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

KALEB COLE - PETITIONER

V.

UNITED STATES -- RESPONDENT

**MOTION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT JUSTICE ASSIGNED TO THE NINTH CIRCUIT**

The Petitioner asks leave for an extension of time with which to file his petition for a Writ of Certiorari and brings this to the attention of the Supreme Court Justice assigned to the Ninth Circuit.

JURISDICTION

The Ninth Circuit Court of Appeals entered its judgement on April 12, 2023. Cole's petition for rehearing En Banc was denied on May 22, 2023.

REASONS FOR EXTENSION

1.

Since his conviction and subsequent incarceration, Cole has expressed his intention to continue his appeal and since May 22, 2023 he was under the impression that his CJA-appointed lawyers intended to file his petition for a Writ of Certiorari. On June 30, 2023 however they expressed their intention to withdraw as counsel and their refusal to file said petition. Never at any point prior to that date have they indicated their intention to withdraw. Cole

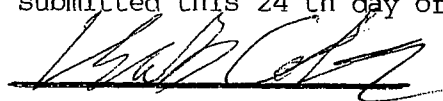
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Cole's attorneys made a motion to withdraw as counsel July 12, 2023 to the Ninth Circuit Court of Appeals and on July 14, 2023 the Court granted the motion without allowing Cole the time to file a response. As a result of his lawyers' sudden withdrawal, Cole has been left ill-equipped and ill-prepared to pursue the filing himself. By June 30, 2023 it was already almost halfway into Cole's filing deadline when his lawyers finally decided to inform him of their intentions. Even were he to be appointed new counsel in the future he would still be left ill-prepared, given the abrupt notification of his attorneys' abdication.

2.

When counsel withdrew from the Petitioner's case, they failed to disclose the entirety of discovery and case files let alone the documents required for inclusion into the petition as per Supreme Court Rule 14(1)(i) - particularly the Order and Judgment of the District Court, the Order denying Cole's motion for Acquittal under Rule 29, and the Ninth Circuit order denying Cole his petition for rehearing En Banc. The Petitioner is a prisoner, and prisons by their nature already have limited access to legal resources, as it is, though access to one's lawyers' legal firm alleviates those challenges. So, even were the petitioner prepared at this time to draft the questions and the merits derived thereof in his petition, he does not currently possess all of the necessary additional documents to fulfill his requirements under the Supreme Court Rules. Therefore, Cole respectfully moves the Court to grant him an additional 60 days with which to file his petition for a Writ of Certiorari.

Respectfully submitted this 24 th day of July, 2023



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