

No. _____

In The Supreme Court Of The United States

ETHEL OYEKUNLE-BUBU, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

To the Honorable Samuel A. Alito, Jr.:

Petitioner Ethel Oyekunle-Bubu requests an extension of time to file her Petition for Writ of Certiorari until April 25, 2024. The Fifth Circuit denied Petitioner's appeal of her criminal conviction (21-10620) on July 25, 2023. The Fifth Circuit denied a Petition for Rehearing *En Banc* on November 27, 2023. The deadline for filing Ms. Oyekunle-Bubu's Petition for Writ of Certiorari is thus February 26, 2023.

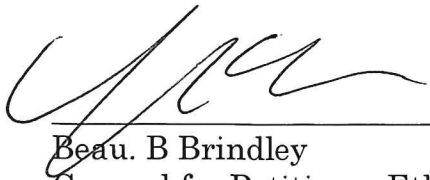
The undersigned believes that Ms. Oyekunle-Bubu has a meritorious issue for *certiorari* but cannot complete a Petition by the current deadline. At the time the Fifth Circuit denied Ms. Oyekunle-Bubu's Petition for rehearing, the undersigned was in the midst of conducting a six-week jury trial in *United States v. Kahn* (2:17-cr-29), on remand following proceedings before this Court, in the District of Wyoming. The undersigned did not return home from that trial until December 17, 2023, at which time he was dealing with personal issues surrounding the

hospitalization of his infant daughter. His daughter's recovery was sidetracked by a household COVID outbreak, the effects of which are still being felt. The undersigned has been ill for weeks, dealing with severe asthmatic complications that require frequent treatment and have negatively impacted his ability to timely meet professional responsibilities. While still recovering, the undersigned also must prepare to litigate a four-week jury trial in *United States v. Henson* (6:16-cr-10018), also on remand following a *cert* grant by this Court, beginning February 8, 2024, in the district of Kansas. Due to these illnesses and substantial litigation demands, the undersigned cannot timely complete a *cert* petition for Ms. Oyekunle-Bubu.

Attached is a copy of the Fifth Circuit's opinion denying the appeal of Ms. Oyekunle-Bubu and her co-defendants. This application is made on behalf of Ms. Oyekunle-Bubu alone. Also attached is the Fifth Circuit's order denying her Petition for Rehearing. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1254(1). Ms. Oyekunle-Bubu's Petition will demonstrate that the Fifth Circuit panel failed to follow the precedent of this Court in *Ruan v. United States*, 142 S. Ct. 2370 (2022) and created a circuit split with the Tenth Circuit in *United States v. Kahn*, 58 F.4th 1308 (10th Cir.2023).

Under the circumstances, a 60-day extension of time will allow the undersigned to complete and file Ms. Oyekunle-Bubu's Petition and allow the Court to address these vital issues.

Respectfully submitted,



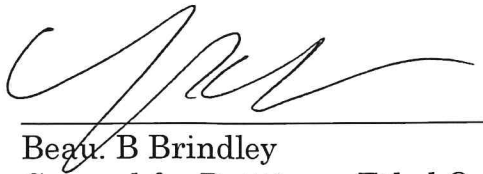
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January 26, 2024

Certificate of Service

The undersigned hereby certifies that the attached application was served on the Solicitor General of the United States at Room 5616, Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001, by United States Mail on January 26, 2024.



Beau. B Brindley
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