

No. _____

IN THE
Supreme Court of the United States

ALIF JAN ADIL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fourth Circuit**

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

To the Honorable John Roberts, Chief Justice of the United States and
Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Under Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), petitioner Alif Jan Adil respectfully requests an extension of 60 days in which to file a petition for writ of certiorari in this case. The petition will challenge the decision of the Fourth Circuit in *United States v. Adil*, unpublished, No. 22-4740 (4th Cir. Dec. 21, 2023) a copy of which is attached hereto as Appendix A.

In support of this application, petitioner states as follows:

1. The Fourth Circuit issued its opinion and entered judgment on December 21, 2023. Without an extension, the petition for a writ of certiorari would be due on March 20, 2024. With the requested extension of 60 days, the petition would be due on May 19, 2024. The Court's jurisdiction will be invoked under 28 U.S.C. § 1254(1). In accordance with Supreme Court Rule 13.5, petitioner is filing this application at least ten days before the current due date.

2. Petitioner, an Afghan refugee who came to the United States shortly after the U.S. military's withdrawal from Afghanistan in August 2021, was charged and convicted after a jury trial of several sexual abuse offenses stemming from his relationship with a 14-year-girl while at the Afghan refugee camp at the Marine Corps Base in Quantico, Virginia. In Petitioner's direct appeal, counsel challenged whether the government had to establish Petitioner's knowledge of the young woman's age in order for the jury to convict Petitioner on the most serious count charged. More specifically, counsel argued that the district court plainly erred when it failed to instruct the jury that to convict Petitioner of violating 18 U.S.C. § 2422(b), the government had to prove beyond a reasonable doubt that Petitioner knew that the young woman was less than 15 years old because such knowledge was required by the Virginia law that Petitioner was alleged to have violated as part and parcel of his alleged violation of § 2422(b). *See* 18 U.S.C. § 2422(b) (whoever, "within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for

which any person can be charged with a criminal offense, or attempts to do so," shall be punished by at least ten years' imprisonment); Virginia Code § 18.2-370 (taking indecent liberties with children).

In response, the government contended that Petitioner had waived this issue because trial counsel had told the district court that the government did not have to establish Petitioner's knowledge of the young woman's age with respect to the § 2422(b) count. Agreeing with the government, the Fourth Circuit rejected Petitioner's argument and affirmed his conviction.

3. There is good cause for the requested 60-day extension of time. As an initial matter, the Fourth Circuit's decision issued the day before undersigned counsel went out on leave for the Christmas holiday to visit her elderly parents in Boston. Counsel was scheduled to return to the office on December 27, and intended to write to Petitioner at that time about the Court's ruling in his case. However, counsel did not return until January 2, as both of her elderly parents were unexpectedly hospitalized while counsel was visiting and counsel needed to extend her stay in order to help care for her father at home until home health care professionals could come in at the beginning of the new year. Given the unexpected and upsetting events during counsel's trip home, she simply forgot that she needed to write to Petitioner about the Court's decision and his options.

3. Next, upon receiving on February 23 the Fourth Circuit's Rule 46 notice concerning counsel's failure to timely file that court's "certiorari status form by February 20, when it was due, *see* ECF Doc. 40, counsel immediately drafted a

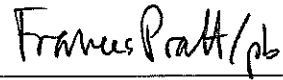
letter to Petitioner. Petitioner, however, does not speak or read English. Accordingly, counsel could not use the letter template she typically uses, but rather had to rewrite the letter in as simple terms as she could. As well, counsel had to have the letter translated in Pashto before she could send the letter to Petitioner. She received the translated letter from the translation service on March 4 and immediately mailed it to Petitioner.

4. Finally, should Petitioner request that counsel file a petition for a writ of certiorari in his case, counsel will move to withdraw in the Fourth Circuit so that Petitioner may file his own petition. However, even if counsel were to learn immediately that Petitioner wishes to proceed with a petition for certiorari and counsel immediately filed a motion to withdraw, it would take two to three weeks before such a motion would be granted, at which time the present filing date for a petition for certiorari would have expired. Moreover, given Petitioner's lack of familiarity with federal criminal law, compounded by the language barrier, he would not be able to prepare and file a petition for certiorari by the present deadline.

For the foregoing reasons, petitioner respectfully requests a 60-day extension of time within which to file a petition for certiorari, to and including May 19, 2024. Counsel does so in order to protect her client's right to further review by this Court.

Dated: March 8, 2024

Respectfully submitted,



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