

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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KELECHI COLLINS UMEH,

PETITIONER,

vs.

UNITED STATES OF AMERICA,

RESPONDENT.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

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

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*Appointed Under the Criminal Justice Act of 1964*

To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the First Circuit:

On April 2, 2025, the First Circuit Court of Appeals entered judgment affirming the conviction of Kelechi Collins Umeh in case 23-1938 (attached). Under Supreme Court Rule 13.1, Mr. Umeh must file a petition for a writ of certiorari within 90 days of that judgment, which would be by July 1, 2025. Mr. Umeh respectfully asks that this Court extend the time to file a petition for a writ of certiorari by 30 days, to July 31, 2025, pursuant to Supreme Court Rule 13.5. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This case concerns whether it is structural error for a court to accept a criminal defendant's guilty plea without informing him of his right to a jury trial. Mr. Umeh was charged with conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349 and pled guilty to that charge. The First Circuit Court of Appeals assumed that the district court's plea colloquy failed to inform Mr. Umeh of, and determine that Mr. Umeh understood, his right to a jury trial. In a case of first impression, the First Circuit found that this failure did not constitute structural error.

The First Circuit's holding is in direct conflict with other circuits, including the Eighth Circuit Court of Appeal, which has held that "failure to inform a defendant charged with a serious crime of the right to trial by jury constitutes structural error[.]" *McGurk v. Steinberg*, 163 F.3d 470, 472 (8th Cir. 1998); *see also United States v. Shorty*, 741 F.3d 961, 969 (9th Cir. 2013) (insufficient jury trial waiver constitutes structural error); *United States v. Perez*, 356 Fed. Appx. 770, 773 (5th Cir. 2009)

(unpublished opinion) (same).

Between now and the current deadline to file a petition for a writ of certiorari, counsel has substantial briefing obligations, including an opening brief in *United States v. Ramos*, No. 25-1757 (9th Cir.), a reply brief in *United States v. Maya*, No. 24-2930 (9th Cir.), and a potential motion for en banc reconsideration in *United States v. Gabelman*, No. 23-10023 (9th Cir.). Counsel will also be working to prepare the opening brief in *United States v. Frazier*, No. 24-5125 (6th Cir.), which is due the week after the current petition filing deadline and which involves challenges to multiple life sentences following a 38-day trial.

Mr. Umeh thus requests a 30-day extension of time to file a petition for a writ of certiorari, up to and including July 31, 2025, so that counsel has sufficient time to prepare a petition that fully addresses the important issue raised by the decision below.

This application is being filed with the Clerk more than 10 days before the date the petition is due. *See* Supreme Court Rule 13.5.

Date: June 6, 2025

Respectfully Submitted,



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