

App. No.

IN THE SUPREME COURT OF THE UNITED STATES

JULIAN OMIDI,
SURGERY CENTER MANAGEMENT, LLC,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION FOR 30-DAY EXTENSION TO FILE
PETITIONS FOR WRIT OF CERTIORARI
(PETITIONS DUE JULY 2, 2025)

EDMUND W. SEARBY
Porter Wright Morris & Arthur LLP
950 Main Avenue, Suite 500
Cleveland, Ohio 44113
Telephone (216) 443-2545
ESearby@porterwright.com

*Counsel for Surgery Center
Management, LLC*

BENJAMIN L. COLEMAN
Counsel of Record
Benjamin L. Coleman Law PC
1350 Columbia Street, Suite 600
San Diego, California 92101
Telephone (619) 865-5106
blc@blcolemanlaw.com

Counsel for Julian Omid

CORPORATE DISCLOSURE STATEMENT

Surgery Center Management, LLC has no parent corporation and no publicly held company owns 10% or more of its stock.

APPLICATION FOR EXTENSION

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice for the Ninth Circuit:

Julian Omid and Surgery Center Management, LLC (“SCM”) were consolidated defendants-appellants in a federal criminal case prosecuted in the Central District of California and appealed to the United States Court of Appeals for the Ninth Circuit. They both respectfully apply, under Supreme Court Rule 13.5, for a 30-day extension to file petitions for a writ of *certiorari*. In support of this application, Mr. Omid and SCM state as follows.

1. Mr. Omid and SCM seek to file petitions for a writ of *certiorari* challenging the affirmance of their federal convictions and sentence on direct appeal by the Ninth Circuit. The Ninth Circuit filed its judgment and opinions in the direct appeal on January 16, 2025. *See United States v. Omid*, 125 F.4th 1283 (9th Cir. 2025); *United States v. Omid*, 2025 WL 212820 (9th Cir. Jan. 16, 2025); Appendix A. The Ninth Circuit denied timely petitions for rehearing and rehearing *en banc* on April 3, 2025. *See* Appendix B. This Court’s jurisdiction is invoked under 28 U.S.C. § 1254(1). The district court asserted jurisdiction under 18 U.S.C. § 3231, and the court of appeals had jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742.

2. Petitions for a writ of *certiorari* on behalf of Mr. Omid and SCM are due

to be filed in this Court by July 2, 2025. Consistent with Rule 13.5, this application for additional time is being filed at least 10 days before that date.

3. This is a case in which preparing a petition demands particularly extensive work. The Ninth Circuit repeatedly noted the extensiveness of the litigation, including a 48-day jury trial and more than three years of pretrial litigation. *See Omid*, 125 F.4th at 1285-86. The jury convicted on multiple counts involving several different statutes, and the district court imposed a sentence of seven years on Mr. Omid and ordered nearly \$100 million in forfeiture as to both defendants. Counsel require an unusual amount of time and effort to determine exactly which issues to present to this Court given the multiple defendants and how to present them.

4. At least one issue for review involves a clear circuit-split regarding whether the aggravated identity theft statute, 18 U.S.C. § 1028A, requires an identity to be stolen or used without the identity-holder's permission. *Compare Omid*, 2025 WL 212820, at *4 (decision below holding no such requirement); *United States v. Parviz*, 131 F.4th 966, 972-73 (9th Cir. 2025) (published opinion confirming no such requirement); *United States v. Gagarin*, 950 F.3d 596, 605 and n.3 (9th Cir. 2020) (recognizing circuit-split); *with United States v. Spears*, 729 F.3d 753 (7th Cir. 2013) (*en banc*) (unanimous opinion written by Chief Judge Easterbrook holding there is such a requirement); *see also Dubin v. United States*,

599 U.S. 110, 120-25 (2023) (citing *Spears* approvingly); *id.* at 128 n.8 (noting the Government’s “shifting” positions on the issue).

5. Counsel for SCM also underwent a significant surgical procedure on June 9, 2025 that is anticipated to require three weeks for substantial recovery. Meanwhile, counsel for Mr. Omid has a heavy professional workload of other commitments, including time-sensitive bail pending appeal motions in *United States v. Sui*, 9th Cir. No. 25-982, C.D. Cal. No. 24CR00498-JAK, and *United States v. Camberos*, S.D. Cal. No. 23CR1916-BAS, an opening brief due on July 15, 2025 in *United States v. Heard*, 9th Cir. No. 24-7665, and a reply brief due in this Court in July in *Solakyan v. United States*, No. 24-1066. This list does not include other obligations before district courts and does not include other appellate briefs due later in the summer.

Accordingly, counsel for both Mr. Omid and SCM respectfully request that the Court grant this application and extend for 30 days the time allowed to file petitions for a writ of *certiorari* on behalf of both defendants so that the new due date would be August 1, 2025.

Respectfully submitted,

Dated: June 17, 2025

BENJAMIN L. COLEMAN
Counsel for Julian Omid
EDMUND W. SEARBY
Counsel for Surgery Center Management, LLC