

No.

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**In the Supreme Court of the United States**

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ISMAEL BIMBOW,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

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

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To the Honorable Sonia Sotomayer, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

1. Pursuant to Supreme Court Rule 13.5, petitioner Ismael Bimbow respectfully requests a 60-day extension until October 13, 2025, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Second Circuit issued its opinion on May 16, 2025. A copy of the Opinion is attached. This Court has jurisdiction under 28 U.S.C. § 1254(1).
2. In the absence of such an extension, a petition for a writ of certiorari would be due on August 14, 2025 pursuant to U.S.S.Ct.R. 13.1. No prior application for extension has been made in this matter and this request is being submitted more than 10 days in advance pursuant to Supreme Court Rule 13.5.
3. The within request for extension is necessary as Petitioner is confined to the United States Penitentiary, Big Sandy, in Kentucky and has had minimal to no

contact with Counsel since his relocation. Despite numerous attempts made to contact petitioner, I was finally able to speak with Petitioner on Friday July 18, 2025 for the first time since the Second Circuit issued its opinion dated May 16, 2025.

4. In this case, Petitioner was convicted by a jury on April 12, 2022 of violations of 21 U.S.C § 846(a)(1), 841(b)(1)(a), and 841 (b)(1)(c), Conspiracy to Distribute and possess with intent to distribute 400 grams or more of fentanyl and heroin. Petitioner was also convicted of 18 U.S.C. 924(c)(1)(a)(i) and 2, possession of a firearm in furtherance of a narcotics conspiracy. Petitioner was thereafter sentenced to a term of 22 years in prison.
5. The within appeal has substantial merit as it involves violations of Defendant's 4<sup>th</sup> and 6<sup>th</sup> Constitutional Rights as well as repeated violations of Petitioner's Right to Due Process.
6. Petitioner moved before the District Court for an Order suppressing any and all evidence recovered at his apartment on the grounds that law enforcement conducted a warrantless search in the absence of any exceptions to the warrant requirement. Law enforcement authored a search warrant affidavit and included all of the items of evidentiary value that were observed during the search. The District Court denied Petitioner's Motion and request for a hearing while failing to rule on the legality of law enforcement's initial entry in to Petitioner's apartment.
7. Both the District Court and the Second Circuit failed to assess whether exigent circumstances were present to justify the warrantless entry into Petitioner's apartment in violation of Kirk v. Louisiana, 536 U.S. 635 (2002) and Payton v. New York, 445 U.S. 573 (1980).
8. Petitioner simultaneously moved for an evidentiary hearing pursuant to Franks v. Delaware on the grounds that the lead DEA agent not only manufactured

evidence and included same in her warrant affidavits, but also falsely attributed the source of this evidence to a confidential informant utilized in this prosecution. Despite a clear showing of this misconduct and its effect on the affidavits, the District Court denied Petitioner's Motion and request for Oral argument.

9. Additionally, the District Court prohibited Petitioner's counsel from calling the two lead agents to the witness stand at trial. Importantly, these two witnesses were the only officers who authored investigative reports and search warrant affidavits in this matter. The District Court prevented Petitioner from exercising his 6<sup>th</sup> Amendment rights while permitting the Government's witnesses to testify to the reports authored by these same agents.
10. Petitioner submits that the within request is made in good faith and not for the purposes of any delay.
11. Wherefore, Petitioner respectfully requests that an Order be entered extending the time to file a petition for a writ of certiorari to Monday, October 13, 2025.

Dated: July 23, 2025



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