

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

JUAN ZAMUDIO,
Applicant,

v.

UNITED STATES,
Respondent.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Pursuant to 28 U.S.C. §2101(c) and Supreme Court Rules 13.5, 22, and 30.2, applicant Juan Zamudio respectfully requests an extension of time of thirty days, to and including March 21, 2019, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case. Mr. Zamudio has not previously sought an extension of time from this Court.

The court of appeals entered its judgment on November 20, 2018. *See* App. 1. Without extension, the time to file a petition for a writ of certiorari in this Court accordingly would expire on February 19, 2019. *See* S. Ct. R. 30.1; 5 U.S.C. § 6103. Consistent with Rule 13.5, this application is being filed more than 10 days before that date.

A copy of the Seventh Circuit's opinion is attached. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

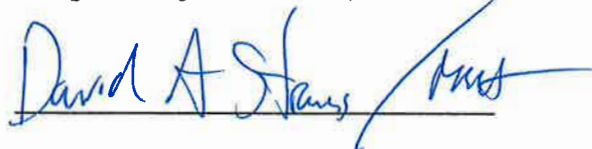
1. Applicant was charged with participating in a drug-trafficking conspiracy. Before trial, the United States District Court for the Southern District of Indiana granted applicant's motion to suppress evidence obtained in a search of his home. App. 1. The district court concluded that the affidavit supporting the warrant that authorized the search did not show a sufficient nexus between activities related to drug trafficking and applicant's home, and that there was accordingly no probable cause to search the home. *See* App. 4. The court of appeals reversed. It ruled that the affidavit gave the magistrate judge who issued the warrant "sufficient evidence suggesting a 'fair probability' that evidence of a crime would be found at [applicant's] home." App. 5.

2. This case presents an important and recurring question on which the lower courts are divided: under what circumstances evidence of a defendant's involvement in drug trafficking that does not directly involve his home can provide probable cause for a warrant to search the defendant's home. *Compare* App. at 5, quoting *United States v. Lamon*, 930 F.2d 1183, 1188 (7th Cir. 1991) ("In the case of drug dealers,' this circuit has recognized, 'evidence is likely to be found where the dealers live.'") with *United States v. Brown*, 828 F.3d 375, 384 (6th Cir. 2016) ("[O]ur cases teach, as a general matter, that if the affidavit fails to include facts that directly connect the residence with the suspected drug dealing activity * * * it cannot be inferred that drugs will be found in the defendant's home—even if the defendant is a known drug dealer."). *See also* Wayne R. LaFare, 2 *Search & Seizure* § 3.7(d) (5th ed.

2018) (discussing division among lower courts and compiling cases); *State v. O'Keefe*, 141 P.3d 1147, 1156 (Idaho 2006) (same).

3. Applicant recently retained new counsel to assist in preparing a petition for a writ of certiorari in this case, Professors David A. Strauss and Sarah M. Konsky of the Jenner & Block Supreme Court and Appellate Clinic at the University of Chicago Law School. Professors Strauss and Konsky were not involved in the trial or appellate proceedings below. We respectfully request the additional time to familiarize ourselves with the relevant materials and to prepare an appropriate petition for consideration by this Court.

Respectfully submitted,

A handwritten signature in blue ink that reads "David A. Strauss" with a stylized flourish extending to the right.

DAVID A. STRAUSS
Counsel of Record
SARAH M. KONSKY
JENNER & BLOCK SUPREME COURT AND
APPELLATE CLINIC AT THE UNIVERSITY
OF CHICAGO LAW SCHOOL
1111 E. 60th Street
Chicago, IL 60637
(773) 834-3190
d-strauss@uchicago.edu

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