

August 28, 2023

Hon. Amy Coney Barrett
Associate Justice
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

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Re: Motion for extension of time to file petition for writ of certiorari in
United States v. Michael O'Bannon, S.Ct. No. 23-____, CA7
No. 20-2498

Dear Justice Barrett:

Under Supreme Court Rule 13.5, we respectfully move for a 60-day extension of the time to file a petition for writ of certiorari in the above-captioned case.

Our client, Michael O'Bannon, was charged with several drug-related crimes along with 13 codefendants in the Southern District of Indiana, *see United States v. Riley, et al.*, no. 1:18-cr-00116-003. Mr. O'Bannon was acquitted of two of the charges against him, and convicted of three charges. The district court sentenced Mr. O'Bannon to 450 months in prison. The Seventh Circuit affirmed. *United States v. Jones*, 56 F.4th 455 (7th Cir. 2022). On June 21, 2023, the Seventh Circuit denied Mr. O'Bannon's petition for rehearing en banc. *United States v. O'Bannon*, No. 20-2498, 2023 WL 4110111 (7th Cir. June 21, 2023). The Seventh Circuit's opinion and its order denying en banc review are attached to this motion.

Under Rule 13.1, the deadline to file a petition for writ of certiorari is September 19, 2023, 90 days from the denial of Mr. O'Bannon's petition for rehearing en banc. If this motion is granted, the deadline would be November 20, 2023. This Court has jurisdiction over Mr. O'Bannon's appeal under 28 U.S.C. § 1254.

An extension of 60 days is warranted due to the undersigned's professional commitments. I represent Mr. O'Bannon pro bono while maintaining a busy private practice in state and federal court. Among other things, I am preparing for a pretrial conference on August 31, 2023 in *State v. Rogers*, No. 2316-cr-01838 (Mo. Cir. Ct.), a criminal case. I am working on a petition for review to the Texas Supreme Court in *Star Houston v. Volvo Cars*, No. 03-21-00239 (Tex.), which is due on September 1. And I am drafting a Fourth Circuit brief

in *Rosemond v. Hudgins*, No. 22 7188 (4th Cir.), which is due on September 20.

An extension is necessary to allow me sufficient time to conduct research and draft the petition for writ of certiorari, in addition my other comments. We contacted counsel for the United States, who informed us that he has no objection to the extension being granted.

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Sincerely,
/s/ Michael Rayfield
Michael Rayfield
Attorney for Michal O'Bannon

cc: See attached service list

PROOF OF SERVICE

I, Michael Rayfield, hereby certify that three copies of this forgoing Motion for Extension of Time to File Petition for Writ of Certiorari in United States v. Michael O'Bannon were sent via third-party commercial carrier to the U.S. Supreme Court and one copy was sent via third-party commercial carrier to the below service list.

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/s/ Michael Rayfield
Michael Rayfield
Attorney for Michal O'Bannon

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