

November 7, 2023

Hon. Amy Coney Barrett
Associate Justice
Supreme Court of the United States
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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-A248

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. On September 18, 2023, the Court granted a prior motion for extension, moving the deadline to November 18, 2023.

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 the Court's prior order, the deadline to file a petition for writ of certiorari is November 18, 2023. If this motion is granted, the deadline would be January 17, 2024. 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 have a pro bono oral argument in the Seventh Circuit in *Pierce v. Vanihel* (7th Cir.), scheduled for November 7, 2023. I am also working on a reply brief to the Fourth Circuit in *United States v. Smith*, No. 22-4508 (4th Cir.), due on November 22, 2023; an opening brief to the Eleventh Circuit in *Sockwell v. Commissioner*, No. 23 13321 (11th Cir.), due December 4, 2023; and an oral

argument before the Fourth Circuit in *Rosemond v. Hudgkins*, No. 22-7188 (4th Cir.), scheduled for December 8, 2023. An extension is necessary to allow me sufficient time to conduct research and draft the petition for writ of certiorari, in addition my other commitments. We contacted counsel for the United States by email on Monday, November 6th, to see if she opposes the extension and have not received a response.

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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
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