

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

DAWN MARIE GUEVARA, Petitioner

v.

UNITED STATES OF AMERICA, Respondent

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI**

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

1. Petitioner, Dawn Marie Guevara, respectfully requests a 60-day extension of time, to and including April 5, 2026, within which to file a petition for writ of certiorari in this case. The judgment of the United States Court of Appeals for the Ninth Circuit was filed on November 6, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1)
2. Absent an extension, a petition for a writ of certiorari would be due on February 4, 2026. See U.S.S.Ct. R. 13.1. This application is being filed more than 10 days in advance of that date, and no prior application has been made. The requested extension is necessary because the issues to be presented in Petitioner's case are complex and require additional research.
3. In this case, Petitioner was convicted in the United States District Court of Montana, Case No. 1:19-cr-00001-SPW-2 of one count of Conspiracy to Possess with Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 846. Guevara raised numerous

constitutional and evidentiary issues on appeal to the Ninth Circuit Court of Appeals in Case No. 24-5722.

4. Of note, was the issue Guevara raised with reference to evidence she said was admitted in violation of her right to confrontation as guaranteed by the Sixth Amendment's Confrontation Clause.
5. In its memorandum decision, a panel of the Ninth Circuit Court of Appeals applied a harmless error standard to the admission of all evidence which may have been erroneously admitted but did not specifically apply the strict standard that applies to evidence admitted in violation of the Confrontation Clause. This standard requires the Government to prove there is no reasonable probability that the tainted evidence contributed to the conviction.
6. Undersigned counsel is appointed to represent Petitioner under the Criminal Justice Act, 18 U.S.C. § 3006A(b) and (c). Counsel's competing work obligations as a panel member limit her ability to devote adequate time to Petitioner's petition for writ of certiorari between today and February 4, 2026. In addition to other panel duties, counsel has an amended petition due in a 18 U.S.C. § 2255 case due on January 30, 2026, and is preparing for depositions scheduled for February 13, 2026, in another.
7. Undersigned counsel has contacted AUSA Tim Tatarka who represented the United States on appeal and is authorized to state the government has no objection to this motion.
8. This motion is made in the interest of justice and not meant to delay the proceedings.

WHEREFORE, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including April 5, 2026.

Respectfully Submitted

N.G. Schwartz Law, PLLC

/s/ Nancy G. Schwartz

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