

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA.

Plaintiff-Appellee,

v.

MOTTY MIZRAHI,

Defendant-Appellant.

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

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

Pursuant to Supreme Court Rules 13.5 and 22, Appellant Motty Mizrahi respectfully requests a 30-day extension of time, to and including May 6, 2026, in which to file a petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit to review that court's decision in *United States v. Mizrahi*, No. 23-4399. The Court of Appeals issued its memorandum decision on October 1, 2025. App. A. The Court denied Mr.

Mizrahi's timely petition for rehearing and rehearing en banc. App. B. Absent an extension of time, the Petition would be due on April 6, 2026. Petitioner is filing this Application at least ten days before that date. S. Ct. R. 13.5. This Court has jurisdiction over the judgment under 28 U.S.C. § 1254(1).

The case will present substantial and important questions of federal law including whether the Ninth Circuit's interpretation of the federal aggravated identity theft statute, 18 U.S.C. § 1028A, conflicts with this Court's decision in *Dubin v. United States*, 599 U.S. 110 (2023), and settling the correct standard of review governing whether a particular set of facts triggers a sentencing guideline enhancement.

Reasons for Granting an Extension of Time

The time to file a petition for writ of certiorari should be extended for thirty days for the following reasons.

Since the Court of Appeal denied Mr. Mizrahi's petition for rehearing and rehearing en banc on January 6, 2026, petitioner's counsel, appointed under the Criminal Justice Act, has been consumed by other significant case obligations.

At the beginning of February, counsel filed a large and substantial

opening brief in a federal habeas appeal to the Ninth Circuit. This project consumed most of counsel's time during January.

Counsel thereafter had to turn his attention to filing in district court a federal petition for writ of habeas corpus arising out of a state murder conviction before an impending statute of limitations expired, following which counsel had to file a motion to stay district court proceedings in a case where a concurrent appeal was pending.

In March, counsel had to file a petition for rehearing in the Ninth Circuit to address a jurisdictional issue the court raised sua sponte and without soliciting prior briefing from the parties.

Within the next two weeks, in addition to the certiorari petition in this case, counsel has to finalize a reply brief in support of a habeas petition, an appellant's opening brief, and an application for certificate of appealability. In addition, counsel has to make time in his schedule to file a contested motion to dismiss an appeal that must be filed by April 2.

All of these commitments will limit counsel's availability to work on this matter between now and April 6, 2026.

Counsel has been working diligently on these tasks, along with the certiorari petition in this case, but will be unable to finalize this petition before its current April 6 due date. In order to more thoroughly research the

legal issues and prepare an appropriate petition for consideration by this Court, counsel requests an extension permitting a petition for writ of certiorari to be filed on or before May 6, 2026.

Respectfully Submitted,

LAW OFFICES OF TARIK S. ADLAI

A handwritten signature in black ink, appearing to read 'Tarik S. Adlai', is written over a solid horizontal line.

MARCH 24, 2026.

Tarik S. Adlai
Counsel of Record
Attorney for Petitioner