

No. _____

In the Supreme Court of the United States

Marilyn J. Mosby,
Petitioner,

v.

United States,
Respondent.

**Second Application for Extension of Time in Which to
File Ms. Mosby's Petition for a Writ of Certiorari**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the Fourth Circuit:

Petitioner Marilyn J. Mosby, pursuant to Supreme Court Rules 13.5 and 22,
respectfully makes a second application to extend by 30 days the time in which to file
her petition for writ of certiorari from the judgment entered by the United States Court
of Appeals for the Fourth Circuit. In support thereof, counsel states the following:

1. Ms. Mosby, the former Baltimore City State's Attorney, was indicted for
two counts of mortgage fraud in violation of 18 U.S.C. § 1014. These charges alleged
that Ms. Mosby made false statements in mortgage applications for the purchase of
two vacation properties. She was also indicted for two counts of perjury in violation of
18 U.S.C. § 1621. These charges alleged that Ms. Mosby made false statements in
forms for withdrawal of money from her retirement fund during the pandemic under the
2020 Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134
Stat. 281 ("CARES Act")—a law which permitted qualified individuals from withdrawing

funds from their retirements accounts without tax penalties usually associated with pre-retirement withdrawal. Ms. Mosby had bifurcated jury trials on these counts—one for the perjury charges and one for the mortgage fraud charges. She was convicted on the perjury charges and one count of mortgage fraud (based on a single false statement). She was acquitted on the other mortgage fraud count.

2. On appeal, Ms. Mosby argued that her convictions for perjury should be vacated because the question on the predicate document upon which her perjury convictions were based was fundamentally ambiguous. She additionally claimed that the district court erroneously admitted evidence regarding her use of the funds she obtained as a result of the perjury. As to her mortgage fraud conviction, Ms. Mosby argued that it should be vacated because the district court gave the jury an erroneous venue instruction, the weight of evidence did not support the jury's finding with respect to venue, and the district court improperly permitted cross examination about her perjury convictions. Additionally, Ms. Mosby argued that the district court's forfeiture order, which was predicated on her mortgage fraud conviction, must be vacated because it was not authorized by statute and was unconstitutionally excessive.

3. On July 11, 2025, the Fourth Circuit issued an opinion denying Ms. Mosby's arguments relating to her perjury convictions and affirming those convictions. *United States v. Mosby*, 143 F.4th 264 (4th Cir. 2025); see Appendix A. But the Court agreed with Ms. Mosby that the jury charge with respect to venue in her mortgage fraud trial was erroneous. On that ground, the Court vacated Ms. Mosby's mortgage fraud conviction without reaching her remaining arguments. And because the district court's forfeiture order hinged on the mortgage fraud, the Court likewise vacated that

order too. *Id.* Both Ms. Mosby and the government filed petitions for rehearing en banc, which the Fourth Circuit denied on January 14, 2026. See Appendix B.

4. This Court has jurisdiction over Ms. Mosby's case under 28 U.S.C. § 1254(1). Her petition for a writ of certiorari was originally due on April 15, 2026; however, on April 2, 2026, the Chief Justice extended the due date to May 14, 2026, after granting Ms. Mosby's first motion for a 30-day extension of time to file her petition for certiorari (Application Number 25A1082).

5. Ms. Mosby now asks for an additional 30-day extension of time to file her petition for certiorari. Undersigned counsel had surgery on March 25, 2026, and the recovery period has taken longer than anticipated—slowing counsel down. Additionally, counsel's calendar has been filled with supervision duties, ongoing work in a capital case, training responsibilities, and several cases in the district court and the Fourth Circuit. Accordingly, counsel needs an additional 30 days to prepare Ms. Mosby's petition for writ of certiorari.

6. For the reasons described above, Ms. Mosby respectfully requests that the Court grant a 30-day extension of the deadline to file her petition for writ of certiorari.

Respectfully submitted,

/s/ Paresh S. Patel

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April 28, 2026