No. 25A-___

In the Supreme Court of the United States

PIERRE YVELT ALMONOR,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE AND CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant Pierre Yvelt Almonor respectfully requests a 60-day extension of time, to and including July 31, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case.

The Fourth Circuit denied a timely request for rehearing and rehearing en banc on March 3, 2026. Unless extended, the time to file a petition for a writ of certiorari will expire on June 1, 2026. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). Copies of the lower court's decision and its order denying rehearing are attached as Exhibits A and B, respectively.

1. This case concerns an issue that has split the circuits: whether criminal venue is proper even where it was not reasonably foreseeable to the defendant that

an overt act of the conspiracy with which he is charged might occur in the relevant district.

Pierre Yvelt Almonor was tried and convicted in the Western District of North Carolina for acting as a "money mule[]" in a money laundering conspiracy in violation of 18 U.S.C. § 1956(h). C.A. J.A. 588. The alleged underlying scheme involved individuals monitoring business email accounts for upcoming large wire transactions; once the legitimate instructions were sent, a second email from a spoofed address sent instructions directing the business to wire funds to a different account. C.A. J.A. 31, 582. The conspiracy followed a hub-and-spoke model, under which a common central individual or group (the hub) conducts discrete unlawful acts with multiple other individuals (the spokes).

Mr. Almonor was one of the spokes; his sole role was to receive funds in an account he controlled for his legitimate construction business in Florida and distribute them to other accounts out of the country. Neither Mr. Almonor nor any transaction that he conducted had any nexus to North Carolina. Instead, a different spoke—a man named Uzomba—worked with overlapping hub individuals to conduct one instance of fraud that targeted a North Carolina law firm.

Other than the shared involvement of some of the same hub individuals and the general nature of the transactions, there was no connection between Almonor and Uzomba. Indeed, in his testimony, Uzomba vigorously denied knowing or communicating with Almonor, and refused to sign initial drafts of his plea agreement which stated a connection to Almonor. C.A. J.A. 565-567. And the government admitted as much, affirmatively arguing that "[i]t's not surprising" that Uzomba and Almonor "didn't know each other" because "[t]hey had similar roles": "Maybe you don't tell one

guy you're sending fraudulent proceeds to the other guy you're sending fraudulent proceeds to because" they are competing for a fixed pool of transactions. C.A. J.A. 692-693.

The North Carolina district court nonetheless denied Mr. Almonor's motion to dismiss for improper venue (C.A. J.A. 558), and Mr. Almonor was convicted.

The Fourth Circuit affirmed in an unpublished per curiam opinion. Ex. A. Relying on circuit precedent, the court rejected Mr. Almonor's argument that criminal venue requires reasonable foreseeability despite acknowledging that "the Second Circuit has adopted such a requirement." Ex. A at 5-6.

As to Mr. Almonor's separate argument that he was not part of a single conspiracy in the first place, the panel assumed that "Almonor did not know about the activities of [Uzomba]" and recognized that "a rimless wheel conspiracy" is "not … a single conspiracy." *Id.* at 5. Nonetheless, it concluded that the government had proven a single conspiracy because the alleged scheme "involved the overlap of the key actors and the same methods, goals, nature, and results." *Id.* The panel did not address Mr. Almonor's discussion of the exactly analogous facts in *Kotteakos* v. *United States*, 328 U.S. 750 (1946), the seminal case on rimless-wheel conspiracies.

Mr. Almonor filed a timely petition for panel rehearing and rehearing en banc, which the Fourth Circuit denied without opinion. Ex. B.

2. The forthcoming petition for certiorari will show that the Fourth Circuit's decision warrants this Court's review for at least two reasons.

First, the Fourth Circuit's holding that reasonable foreseeability is not required for criminal venue perpetuates an entrenched circuit split. The court relied on its decision in *United States* v. *Johnson*, 510 F.3d 521, 527 (4th Cir. 2007), which

rejected a reasonable foreseeability requirement for criminal venue. The Third, Sixth, and Ninth Circuits have also rejected such a requirement. See *United States* v. *Renteria*, 903 F.3d 326, 329 (3d Cir. 2018); *United States* v. *Guerrero*, 76 F.4th 519, 528 (6th Cir. 2023); *United States* v. *Gonzalez*, 683 F.3d 1221, 1226 (9th Cir. 2012). By contrast, the Second Circuit has adopted a reasonable foreseeability requirement for criminal venue that would have precluded the North Carolina prosecution here: "In our Circuit … it must have been 'reasonably foreseeable' to each defendant charged with the conspiracy that a qualifying overt act would occur in the district where prosecution is brought." *United States* v. *Kirk Tang Yuk*, 885 F.3d 57, 69 (2d Cir. 2018).

Moreover, the Second Circuit's rule is correct: it better protects the vicinage right that "was highly prized by the founding generation" (*Smith* v. *United States*, 599 U.S. 236, 248 (2023)), formed the basis for one of the explicit grievances in the Declaration of Independence (1 Stat. 1, 2 (1776)), and was embodied by the Framers in the Constitution's Venue and Vicinage Clauses. Indeed, the contrary rule risks rendering these clauses toothless in the face of the expansion of modern criminal conspiracy liability.

Second, the court's holding that Mr. Almonor was part of a single conspiracy is irreconcilable with this Court's seminal decision in *Kotteakos*, which rejected conspiracy liability under facts exactly parallel to those of this case. There, a common broker submitted fraudulent loan applications to the Federal Housing Administration for "eight … separate and independent groups, none of which had any connection with any other," other than their common involvement with the broker and the identical nature of their fraudulent transactions. 328 U.S. at 754-755. As the Court explained,

that fact pattern presents eight different conspiracies, not a single one; to hold otherwise would "obviously confuse[] the common purpose of a single enterprise with the several, though similar, purposes of numerous separate adventures of like character." *Id.* at 769; see also *Blumenthal* v. *United States*, 332 U.S. 539, 558 (1947) (no conspiracy in *Kotteakos* because the spokes were not "directed to achieving a single unlawful end or result. On the contrary each separate agreement had its own distinct, illegal end. Each loan was an end in itself, separate from all others, although all were alike in having similar illegal objects").

The facts here duplicate precisely the circumstances of *Kotteakos*: each spoke "had its own distinct, illegal end" and Mr. Almonor did not "aid[] in any way" or have any "interest[]" in Uzomba's transaction, or vice versa. See *Blumenthal*, 332 U.S. at 558. To the contrary, neither knew the other existed, and if anything, their economic interests were in conflict, as the government recognized. See C.A. J.A. 692-693. The Fourth Circuit's contrary holding cannot be squared with *Kotteakos*, and therefore warrants either summary reversal or plenary review.

3. Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. Undersigned counsel has, and has had, several other matters with proximate due dates, including: a petition for rehearing en banc in *United States* v. *Augillard*, No. 25-30192 (5th Cir.), filed on May 11, 2026; an opposition to a motion to dismiss in *Skincure Oncology, LLC* v. *American College of Mohs Surgery*, No. 2:26-cv-00506 (E.D. Wis.), due on June 9, 2026; an answer to a complaint in *In re Mid-Air Collision in Washington, D.C.*, No. 25-cv-03382 (D.D.C.), due on June 10, 2026; a reply brief in *Vanda Pharmaceuticals Inc.* v. *MSN Pharmaceuticals, Inc.*, No. 25-3045 (3d

Cir.), due on June 12, 2026; and a motion for summary judgment in *Vanda Pharmaceuticals Inc.* v. *FDA*, No. 23-cv-2812 (D.D.C.), due on June 15, 2026.

For the foregoing reasons, the application for a 60-day extension of time, to and including July 31, 2026, within which to file a petition for a writ of certiorari in this case should be granted.

May 21, 2026

Respectfully submitted.

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