

**In the Supreme Court of the United States**

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RONALD BRUCE MYERS,

*Applicant,*

*v.*

UNITED STATES.

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

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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:

1. Pursuant to Supreme Court Rule 13.5, Applicant Ronald Bruce Myers respectfully requests a 60-day extension of time, to and including August 24, 2026, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Ninth Circuit issued its opinion on May 6, 2025. A copy of the opinion is attached as Exhibit A. The Ninth Circuit denied Applicant’s timely petition for rehearing en banc on March 27, 2026, and issued an amended opinion. A copy of the order denying rehearing and amended opinion is attached as Exhibit B. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on June 25, 2026. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case by Applicant.

3. This case seeks review of an important and recurring question concerning the Mandatory Victims Restitution Act: Whether 18 U.S.C. § 3664(n)—which requires an incarcerated defendant who “receives substantial resources from any source, including inheritance, settlement, or other judgment” to apply those resources to outstanding restitution—applies only when the defendant receives resources that are substantial at the time of receipt, or also permits the government to aggregate modest, periodic deposits over time and seize them once the inmate’s trust-account balance becomes substantial.

4. The question has divided the courts of appeals. Before the decision below, every court of appeals to address whether § 3664(n) reaches gradually accumulated funds in an inmate trust account had declined to read the statute that way. *See United States v. Saemisch*, 70 F.4th 1, 11 (1st Cir. 2023); *United States v. Carson*, 55 F.4th 1053, 1057-58 & n.2 (6th Cir. 2022); *United States v. Kidd*, 23 F.4th 781, 787-88 (8th Cir. 2022); *United States v. Hughes*, 914 F.3d 947, 951 (5th Cir. 2019). The Ninth Circuit’s decision creates a contrary rule for incarcerated defendants in the Ninth Circuit, permitting the government to aggregate modest deposits from family and friends and treat the accumulated account balance as “substantial resources” under § 3664(n).

5. The question divided the Ninth Circuit panel in this case. The majority held that § 3664(n) reaches Applicant’s gradually accumulated trust-account funds, reasoning that the statute is not limited to one-time windfalls and that “any source” may include

multiple sources. Judge McKeown dissented, explaining that the statutory text applies only when an inmate “receives substantial resources”—that is, when the resources are substantial at the time of receipt—and does not permit the government to convert modest periodic deposits into “substantial resources” merely because they later accumulate in an inmate trust account.

6. The court of appeals denied rehearing en banc over a dissent by Judge Wardlaw, joined by Judges Gould, Koh, and Mendoza. The dissent concluded that the panel’s interpretation “creates a circuit split” and “muddle[s]” between § 3664(n), which addresses the receipt of substantial resources, and § 3664(k), which addresses material changes in a defendant’s economic circumstances over time. The dissent further explained that the question is one of “exceptional national importance” for incarcerated people, their families, prison administration, and the federal courts, because inmate trust accounts often contain funds needed for basic necessities, communication with family and counsel, medical costs, postage, and reentry preparation.

7. This case cleanly presents the question. Applicant is serving a federal sentence and owes restitution. While incarcerated, he received modest periodic deposits from friends and family into his inmate trust account. The government sought turnover of funds from that account under § 3664(n), and the district court granted that request. The Ninth Circuit affirmed, holding that § 3664(n) allowed the government to reach the accumulated funds notwithstanding that the deposits were modest when received.

8. The statutory question warrants this Court’s review. Section 3664(n) applies throughout the federal prison system and governs when incarcerated defendants must

apply newly received resources toward restitution obligations. The question whether the statute applies only to resources that are substantial when received, or instead authorizes aggregation of modest deposits over time, affects defendants, victims, the Bureau of Prisons, federal prosecutors, and district courts nationwide. The decision below subjects incarcerated defendants in the Ninth Circuit to a rule that, according to the en banc dissent, does not apply elsewhere in the federal system.

9. Applicant respectfully requests a 60-day extension of time to file a petition for a writ of certiorari. Applicant has recently retained undersigned counsel to represent him in connection with the preparation and filing of a petition. A 60-day extension would allow counsel sufficient time to review the record, research the statutory-interpretation and circuit-conflict issues, evaluate the amended opinion and separate opinions accompanying the denial of rehearing en banc, coordinate with co-counsel and potential amici, and prepare a petition that will be of assistance to the Court.

10. This request is made in good faith and not for purposes of delay.

*Wherefore*, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended to and including August 24, 2026.

Dated: June 12, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Tutt". The signature is written in a cursive style with a large, looping initial "A" and a long, sweeping flourish extending to the right.

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