

No. _____

In the Supreme Court of the United States

EBUKA RAPHAEL UMETI, *Applicant*,

v.

UNITED STATES OF AMERICA

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

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

Pursuant to Rule 13(5) of this Court, counsel for Petitioner Ebuka Umeti respectfully requests a 60-day extension of time within which to file his petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254. Unless extended, the time for filing a petition for a writ of certiorari will expire on Monday, July 6, 2026. This application is submitted at least ten (10) days prior to the scheduled filing date for the Petition. The pertinent dates are:

- a. February 19, 2026:** Issuance of written opinion of United States Court of Appeals for the Fourth Circuit, *United States v. Umeti*, No. 24-4478, 167 F.4th 687 (4th Cir. 2026). A copy of the opinion is attached hereto as Exhibit A.

- b. April 7, 2026:** Issuance of a denial of a timely-filed pro se petition for rehearing in the Fourth Circuit. A copy of this order is attached hereto as Exhibit B.
- c. June 26, 2026:** Deadline for seeking extension of time within which to file a petition for writ of certiorari in the United States Supreme Court, unless extended.
- d. July 6, 2026 :** Expiration of time for filing a petition for writ of certiorari in the United States Supreme Court, unless extended.

3. This extension is requested due to counsel having just recently learned that Mr. Umeti wishes to have a petition for certiorari filed on his behalf. Mr. Umeti was prosecuted in the Eastern District of Virginia (EDVA). He was represented at trial by a Criminal Justice Act (CJA) panel attorney who practices in the EDVA. Following that CJA attorney's withdrawal from the case at the appeal stage, the Fourth Circuit Court of Appeals appointed the Federal Defender Office in the Northern District of West Virginia to handle Mr. Umeti's appeal in the Fourth Circuit.

Following the February 19, 2026 published decision in this matter, counsel wrote to Mr. Umeti explaining 1) the decision, 2) that because the decision required remand for resentencing and she was not admitted to practice in the Eastern District of Virginia, new CJA counsel from the EDVA would be appointed to handle the resentencing aspect of the remand; and 3) reviewing the grounds for a petition for certiorari and requesting that Mr. Umeti inform her whether he wished to seek

certiorari in light of that information. That letter was mailed to Mr. Umeti on February 20, 2026. He was subsequently appointed new counsel in the EDVA for resentencing, whose representation is now complete post-resentencing.

Because counsel did not receive a response from Mr. Umeti, on May 26, 2026, she completed a standard Fourth Circuit “Certiorari Status Form” advising the court that as to the loss issue, a certiorari petition was unnecessary because the decision was not adverse to Mr. Umeti; and as to the other two issues in the appeal, more than 30 days had passed since requesting a response from Mr. Umeti on February 20, 2026 and none had been received. A copy of the certiorari status form was served on Mr. Umeti as required.

On June 6, 2026, counsel received a message from Mr. Umeti on CorrLinks, the federal prison email system, stating that he had received the certiorari status form and was confused because he thought counsel no longer represented him, given that he had been appointed a different CJA attorney in EDVA for resentencing. Counsel informed Mr. Umeti that although he had EDVA counsel for resentencing purposes, all attorneys involved understood that she was responsible for any further action on his appeal. On June 11, 2026, Mr. Umeti sent another email advising that if counsel was still representing him, then he was interested in exploring a petition for certiorari. Counsel received that message on June 16, 2026.

Accordingly, counsel did not plan to take any further action on Mr. Umeti’s appeal until learning for the first time, on June 16, 2026, that he desired to explore a petition for certiorari. By that point, the vast majority of the time to file had already

passed. A certiorari petition is currently due in just two weeks, on July 6, 2026. Due to Mr. Umeti's confusion about which attorney represented him for this purpose and his resulting 1) late notice to counsel, 2) the demands of counsel's other cases, and 3) counsel's other pre-existing obligations (including a two-day conference on June 25-26, 2026 and the July 4th holiday), there is insufficient time to complete a certiorari petition for Mr. Umeti within that time.

For the foregoing reasons, counsel respectfully requests that this Court grant an extension of 60 days within which to file a petition for writ of certiorari, to permit adequate time to consult with Mr. Umeti and draft whatever is warranted.

Respectfully submitted, this the 22nd day of June, 2026.

/s/ Jenny R. Thoma
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