

Application No. 25_____

IN THE SUPREME COURT OF THE UNITED STATES

JESSICA ARONG O'BRIEN, *Petitioner*

vs.

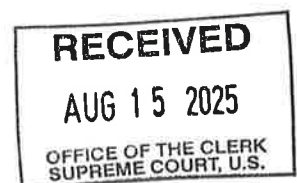
UNITED STATES OF AMERICA,

PRO SE MOTION FOR EXTENSION OF TIME TO FILE

A PETITION FOR WRIT OF CERTIORARI



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Pursuant to Supreme Court Rule 13.5, Petitioner Jessica Arong O'Brien respectfully requests a sixty (60) day extension, up to and including **Monday, November 3, 2025**, to file her petition for writ of certiorari from the Seventh Circuit's June 4, 2025, Order (Docket #24-1207) (Ex. # A), which affirmed the Northern District of Illinois' denial of her 28 U.S.C. § 2255 motion. Petitioner proceeds *pro se*.

The following facts and circumstances demonstrate **good cause** under Supreme Court Rule 13.5 for granting this motion:

1. Extraordinary Record Volume and Procedural Complexity:

Petitioner's matter is built upon a uniquely voluminous and layered record, spanning an estimated **20,000+ pages** and five separate federal court dockets, including criminal trial, direct appeal, post-conviction litigation, and governmental enforcement actions. The complexity and breadth of these records, as set forth in Petitioner's docket summary below, demand extraordinary diligence and time for adequate review and synthesis:

Proceeding/Docket	Number of Docket Entries	Pages Filed (Known)
ND Illinois Criminal (1:17-cr-00239)	426	12,000 + (est.)
7th Cir. Direct Appeal (19-1004)	57	1,000+
ND Illinois Civil/§2255 (1:22-cv-00083)	73	3,000+ (est.)
7 th Cir. 28 U.S.C. § 2255 (24-1207)	37	4,100+

Total: well over 20,000 pages, including hearing transcripts, trial exhibits, appellate motions, and supplemental and oversized briefs, all of which must be navigated and distilled by a single *pro se* litigant.

2. Case Complexity and Profound Legal Questions:

This case presents unusually intricate legal and constitutional matters:

- ***Ex Post Facto* Clause and Retroactivity:**

Petitioner was convicted under 18 U.S.C. §1344 by application of a “financial institution” definition that was not enacted until 2009, two years after her real estate sale transactions in April of 2007. Congress only amended the law in 2009 to include entities like mortgage brokers and corporations. The government anchored jurisdiction on her buyer’s home equity line of credit (“HELOC”) as to Citibank N.A., but there was no proof of Petitioner’s involvement or knowledge of her buyer’s HELOC, and other loans at issue were not from FDIC-insured entities. This raises not only a fundamental violation of the *Ex Post Facto* Clause (U.S. Const. Art. I, §9), but also defeats federal subject matter jurisdiction, as the government relied on statutory amendments to the definition of ‘financial institution’ that did not exist at the time of the alleged conduct and thus could not form the basis for a federal prosecution or conviction.

- **Government Misrepresentation and Perjury:**

The prosecution obtained the Petitioner’s one-count of bank fraud and one-count of mail fraud conviction by misrepresenting the corporate relationship between CitiMortgage Inc. and Citibank, N.A., and falsely claiming Petitioner had previously dealt with Citibank. The prosecutor, with a history of prior misconduct, suborned perjury and relied on documents known to be false, as proven by public SEC filings and unrefuted evidence submitted by Petitioner, *e.g.*, the lead litigator’s own email evidencing that he knew that the material testimony he elicited from the government’s key witness was false.

- **Government’s Tampered Key Evidence:**

The HUD-1 Settlement Statement for Petitioner’s Buyer’s HELOC presented to the trial jury was further altered that would have wrongfully implied Petitioner’s

knowledge and involvement of the existence of this HELOC. It is the same HELOC that the government has anchored its federal subject matter jurisdiction and the precise transaction the district judge instructed the government it was required to prove at trial and therefore, was a material issue in this case.

The government improperly took the first page of the HUD-1 settlement statement from the property sale between Petitioner and the buyer, a transaction that was fully funded by CitiMortgage, Inc., a non-FDIC-insured entity, and resulted in a refund to the buyer at closing. This sale was entirely independent, and the proceeds covered the full purchase price, making any further financing unnecessary. Unbeknownst to Petitioner, the buyer later executed a home equity line of credit or HELOC on his own, with no involvement or knowledge from Petitioner. Nevertheless, the government attached the first page of the sale's HUD-1 settlement statement to the HUD-1 for this subsequent HELOC and presented them together to the trial jury.

This created the false and prejudicial impression that Petitioner had knowledge of, and participated in, the HELOC transaction, a transaction which was the only HUD-1 in evidence listing an FDIC-insured lender, and the very basis for invoking federal bank fraud jurisdiction and the ten-year mail fraud statute of limitations. The government has never denied it attached these documents, offering only that the combination was an administrative or copying error. Regardless of intent, this misleading presentation was inconsistent with the investigative record and in all likelihood led the jury to believe Petitioner was involved in a transaction she had nothing to do with, thereby materially and unconstitutionally supporting the government's theory of jurisdiction and statutory elements.

- **Prosecutorial Misconduct and Supreme Court Precedent:**

As reiterated in *Glossip v. Oklahoma*, 601 U.S. ___, 144 S. Ct. 1131, 216 L. Ed. 2d 734 (2025), a prosecutor's duty to correct false statements and prevent material misrepresentations is ongoing and constitutional. Petitioner has repeatedly

presented proof, unaddressed by the lower courts, that the government's central trial claims were knowingly false.

- **Eighth Amendment and Restitution Error:**

Petitioner was ordered to pay \$660,000 in restitution, vastly exceeding the \$73,000 tied to any offense, in direct violation of the Mandatory Victims Restitution Act (18 U.S.C. §3663A), which states:

“ . . . The restitution must be tied only to losses directly and proximately caused by the conduct underlying **the offense of conviction...**” (*emphasis supplied*).

Yet, the restitution order swept in unrelated losses, violating both federal statute and the Eighth Amendment's Excessive Fines Clause.

- **Structural Due Process Violations:**

Petitioner's constitutional rights were violated by the district court's refusal to hold any evidentiary hearing despite her thousands of pages of unrefuted evidence supporting her allegations of constitutional violations presented with specificity, and by denial of a Certificate of Appealability. The government's reliance on propensity and “bad acts” arguments, uncharged conduct, and tampered documentation are tactics condemned by this Honorable Court, yet ignored by the district court.

The Seventh Circuit, however, less than six months prior to Petitioner's trial condemned this too directly against the lead Assistant United States Attorney in *United States v. Walter*, 870 F.3d 622 (7th Cir. 2017) who also was the lead AUSA in Petitioner's case, compounded due process deprivation. Despite the more egregious prosecutorial misconduct in Petitioner's case, the Seventh Circuit also refused to address her documented and unrefuted prosecutorial misconduct allegations.

- **Subject Matter Jurisdiction and Securitization:**

Petitioner demonstrated, by forensic reports and title examiner affidavits, that no loss was experienced by any “financial institution,” as the loans were securitized or held for investors, not banks, and that Citibank functioned solely as a pass-through compensated paying agent that expressly was not assuming any risk of loss. Citibank paying agent role was never disclosed to Petitioner’s defense team, while the securitization funding mechanism was misrepresented to the trial jury and the courts.

- **Pre-Securitization and Standing Issues:**

The government and the court failed to recognize the significance of pre-structured loan securitization, which meant no actual losses ever attached to any “financial institution” or lender involved in Petitioner’s sales, further eliminating any basis for jurisdiction or restitution.

- **Constitutional Violations:**

In addition to due process and fair trial violations, the *ex post facto* clause (U.S. Const. Art. I, §9) comes into play, as does ineffective assistance of counsel under the Sixth Amendment (for failure to challenge the critical documents, *e.g.*, Quit Claim Deeds that the government falsely argued transferred all ownership to Petitioner’s co-defendant, when the Quit Claim deed specifically conveyed joint tenancy interest, solidifying the buyers’ partnership and not the government’s fabricated “straw buyer” allegation; Citigroup, Inc.’s SEC filings that debunks the government’s false theory of corporate structure to falsely argue that an FDIC-insured entity was affected, securitization documents that were publicly available, and for neglecting to develop crucial factual defenses, to mention a few).

- **Legal Standard for 28 U.S.C. §2255 Review and Impact of Errors:**

Under 28 U.S.C. §2255, the district court must vacate, set aside, or correct a sentence if the conviction was imposed “in violation of the Constitution or laws of the United States,” or is “otherwise subject to collateral attack.” The critical standard is whether “the error had substantial and injurious effect or influence” on the jury’s verdict (*Brecht v. Abrahamson*, 507 U.S. 619, 623 (1993)), and, for constitutional claims, whether “the conviction resulted from a fundamental defect which inherently results in a complete miscarriage of justice” or “an omission inconsistent with the rudimentary demands of fair procedure.” *Hill v. United States*, 368 U.S. 424, 428 (1962).

In this case, even leaving aside the cumulative nature of errors, the government’s evidentiary missteps, the absence of any witness with direct knowledge of the transactions, and the prosecution’s reliance on speculative and shifting theories (including straw buyer and concealment claims unsupported by testimony or documents) all demonstrate that, but for these errors and omissions, Petitioner would not and should not have been convicted. The lower court’s refusal to grant an evidentiary hearing despite specific factual allegations and express documentary proof, contrary to established precedent, was a manifest abuse of discretion. *Machibroda*, 368 U.S. at 494. Based on Petitioner’s review of that judge’s rulings on 28 U.S.C. § 2255 motions, he has never granted an evidentiary hearing to any defendant, except on a single occasion when the government itself requested one—solely to contest a defendant’s proper venue for filing a § 2255 motion.

These cumulative legal and factual errors, unaddressed and unexplored due to the court’s refusal to hold an evidentiary hearing, constitute precisely the type of miscarriage of justice and abuse of discretion that 28 U.S.C. § 2255 is meant to remedy, and underscore the necessity for Supreme Court review and for the extension Petitioner now requests. Under 28 U.S.C. § 2255, a conviction must be vacated where the error results in “a complete miscarriage of justice or an omission inconsistent with the rudimentary demands of fair procedure.” *Hill*, 368 U.S. at 428. Errors that have

a “substantial and injurious effect or influence” on the jury’s verdict warrant relief. *Brecht*, 507 U.S. at 623. The district court abuses its discretion by refusing an evidentiary hearing when the petitioner presents specific, supported factual allegations. *Machibroda*, 368 U.S. at 494.

- **Supreme Court’s Discretionary Review Factors:**

Beyond record review, Petitioner, without legal assistance, must exhaustively research circuit and district-level conflicts regarding statutes, procedural rights, and prosecutorial responsibilities, as these could form the basis for Supreme Court review.

3. Good Cause: Family, Employment, and Overlapping Commitments:

Since June 4, 2025, the date of the Seventh Circuit’s order (Ex. # A), Petitioner, who is married with three daughters (two in college and one in Canada pursuing a Ph.D.), has faced concentrated and overlapping family and professional demands that have significantly limited the time available to prepare her petition. Two daughters required her assistance with college transitions: one returning to the University of Illinois at Champaign–Urbana, and the other beginning her first year at the University of Iowa.

At the same time, Petitioner’s 80-year-old mother traveled from New Jersey to the Philippines, departing and returning via Seattle, requiring Petitioner to personally escort her on the outbound trip in July and to plan travel to meet her return on August 17, 2025, assist her in transit from Seattle to Philadelphia and then to New Jersey, where Petitioner’s mother permanently resides, and finally, ensure she was settled at her home and effectively navigating her medical and health condition. These obligations coincide directly with the children’s college move-in schedules, creating unavoidable logistical conflicts and multi-state travel within this

compressed window. Petitioner's father also resides in a nursing facility here in Chicago, but she remains responsible for arranging and delivering his special monthly dietary needs.

Professionally, on June 1, 2025, Petitioner began a sixteen-week, part-time grant-writing internship with The Ladies of Hope Ministries, a nonprofit organization supporting women impacted by the justice system. As a justice-impacted individual who has faced years of difficulty securing stable employment after incarceration, Petitioner is committed to performing at the highest level to build her professional record. This internship demands concentrated time and effort, particularly as it runs concurrently with her family obligations. Within the same period, Petitioner completed an intensive five-week "Advocacy Fundamentals" program through the Reform Advocacy Institute, in conjunction with the Yale Prison Education Initiative at Dwight Hall, culminating in a required in-person week of coursework at Yale University in late July 2025.

All of these responsibilities and travel occurred during the same 90-day period for filing her petition for writ of certiorari, further limiting the time available to review and distill the extraordinarily large record and to engage in the nationwide legal research necessary to present the case to this Honorable Court.

- **Limited Resources:**

Unlike represented applicants, Petitioner must single-handedly organize and synthesize an overwhelming record, conduct legal research, identify cert-worthy legal splits, and draft all Supreme Court submissions herself.

- **Health and PTSD:**

The trauma and psychological impact of her prosecution, imprisonment, and years of litigation have produced ongoing PTSD and anxiety. Each return to her case imposes severe emotional strain.

- **Certiorari Odds for *Pro Se* Litigants:**

The Supreme Court's own public records confirm an exceedingly small fraction of *pro se* certiorari petitions are granted, underscoring that such litigants, by necessity, are accorded leeway and "good cause," especially on showing record complexity and inability to retain counsel. See *Haines v. Kerner*, 404 U.S. 519 (1972); *Turner v. Rogers*, 564 U.S. 431 (2011); and *Maples v. Thomas*, 565 U.S. 266 (2012)).

4. Additional Considerations - Circuit Conflict Review:

Petitioner must also perform a comprehensive analysis of decision-making patterns in federal courts nationwide, reviewing not only her record but potential splits among the circuits and districts regarding the pivotal issues of statutory retroactivity, government misconduct, restitution, due process, and evidentiary hearing and certificate of appealability denials, as such conflicts bear directly on the Supreme Court's discretionary docket criteria.

5. Legal Authority:

Supreme Court Rule 13.5 expressly permits extensions "for good cause shown." Courts, including the Supreme Court, recognize *pro se* status, extraordinary record complexity, health impacts, and the need for nationwide legal research as independently sufficient bases for extension. In *Glossip v. Oklahoma*, 601 U.S. ___, 144 S. Ct. 1131, 216 L. Ed. 2d 734 (2025), this Honorable Court reaffirmed the importance of correcting material government misrepresentation in post-conviction contexts. The overlap of constitutional, statutory, and factual errors in this case squarely meet traditional standards for Rule 13.5 extensions.

6. Conclusion:

For all the above reasons, including record volume, overlapping legal and factual issues, Petitioner's extraordinary personal and *pro se* barriers, and the pressing constitutional magnitude, Petitioner respectfully requests a one-time

extension of sixty (60) days, to **Monday, November 3, 2025**, to file her petition for writ of certiorari. Granting this extension will not prejudice the United States, as it merely seeks additional time to file the petition without altering any substantive rights or proceedings. Petitioner will promptly supply additional record citations, statutory language, or legal authorities upon request.

Date: August 12, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J Arong O'Brien', written over a horizontal line.

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EXHIBIT #:

A

Seventh Circuit Order Denying
Petitioner's Petition for Rehearing
& Rehearing *En Banc*, June 4, 2025
(start of 90-day certiorari period)

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

June 4, 2025

Before

JOSHUA P. KOLAR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-1207

JESSICA ARONG O'BRIEN,
Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,
Respondent-Appellee.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division

No. 1:22-cv-00083

Thomas M. Durkin,
Judge.

ORDER

Petitioner-Appellant filed a petition for rehearing and rehearing en banc on May 19, 2025. All members of the original panel have voted to deny rehearing, and no judge in regular active service has requested a vote on the petition for rehearing en banc. The petition for rehearing is therefore DENIED.

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted March 12, 2025

Decided March 28, 2025

Before

JOSHUA P. KOLAR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-1207

JESSICA ARONG O'BRIEN,
Petitioner-Appellant,

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

v.

No. 22 C 00083

UNITED STATES OF AMERICA,
Respondent-Appellee.

Thomas M. Durkin,
Judge.

ORDER

Jessica Arong O'Brien has filed a notice of appeal from the denial of her motion under 28 U.S.C. § 2255, as well as an application for a certificate of appealability and several supplements. We have reviewed the final order of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, O'Brien's request for a certificate of appealability is DENIED. Recently, O'Brien has filed motions seeking to supplement her request for a certificate of appealability (March 3), file an affidavit under seal (March 6) (currently not accessible to the public), and correct certain errors in those filings (March 10). Those motions are GRANTED to the limited extent that we considered the substance of these documents in reaching our decision to deny a certificate of appealability.