

No. ____

IN THE SUPREME COURT OF THE UNITED STATES

MATTHEW BORGES,

PETITIONER,

V.

UNITED STATES OF AMERICA,

RESPONDENTS.

**MATTHEW BORGES'S APPLICATION TO EXTEND DEADLINE
TO FILE WRIT OF CERTIORARI IN THE MATTER
1:20-cr-00077 (SD-OH) / 23-3566 (6th. Cir.)**

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October 23, 2025

To the Honorable Brett M. Kavanaugh, as Circuit Justice for the United States Court of Appeals for the Sixth Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, 30.3, and 33.2, Petitioner Matthew Borges ("Petitioner") respectfully requests that the time to file his Petition for Writ of Certiorari in this matter be extended for sixty (60) days, up to and including December 22, 2025. The Court of Appeals denied rehearing *en banc* on July 25, 2025. Absent an extension of time, the Petition for Writ of Certiorari would be due on October 23, 2025.

JURISDICTION

For extraordinary circumstances shown in an application, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding sixty (60) days in instances where a petitioner applies for an extension within 10 days of the deadline. S. Ct. R. 13.5.

The case below is Sixth Circuit Case Number 23-3566. The opinion was reported at 137 F.4th 454 (6th Cir. 2025). Exhibit A. That opinion consolidated Petitioner's appeal with that of Larry Householder, Sixth Circuit Case No. 23-3565. Petitioner timely filed a petition for reconsideration by the panel and for rehearing *en banc*. The petition for

rehearing *en banc* was denied and judgment was entered on July 25, 2025. Exhibit B. Pursuant to Rule 13, the 90-day time limit by which a petition for certiorari must normally be filed is October 23, 2025.

This Court has jurisdiction over this application pursuant to 28 U.S.C. § 1254(1), as Petitioner seeks review of a decision made by a panel of the United States Court of Appeals for the Sixth Circuit.

FACTUAL BACKGROUND

Larry Householder, the former Speaker of the Ohio House of Representatives, was convicted of RICO conspiracy for soliciting and receiving approximately \$60 million from FirstEnergy Corp. in exchange for passing and preserving House Bill 6, a \$1.3 billion bailout for the company's failing nuclear power plants. The scheme began in 2017 when Householder met with FirstEnergy executives who pledged financial support for his speaker campaign through an entity called Generation Now, which Householder created to receive undisclosed campaign contributions. Once elected speaker in 2019, Householder used his political machine—dubbed “Team Householder”—to pass the bailout legislation, and when opponents launched a referendum campaign to

repeal it, he solicited tens of millions more from FirstEnergy to defeat the signature-collection effort.

Petitioner was a lobbyist hired by FirstEnergy. He was convicted of the same RICO conspiracy for his role in Householder's scheme, specifically during the anti-referendum campaign where he attempted to disrupt signature collectors and offered \$15,000 to Tyler Fehrman, an employee at the signature-collection firm, in exchange for information about how many signatures had been gathered.

After a 26-day trial, a jury found both Householder and Borges guilty, with Householder receiving the statutory maximum sentence of 20 years in prison.

REASONS FOR GRANTING THE APPLICATION

Petitioner acknowledges that applications to extend a party's deadline to file a writ of certiorari are disfavored. But the unique procedural posture and the compelling public interest in reviewing the Sixth Circuit's decision constitute compelling reasons for this Court to grant the application. Petitioner further acknowledges that applications such as this filed within 10 days of the deadline must demonstrate extraordinary circumstances. S. Ct. R. 13.5.

The instant case presents such circumstances. It raises significant constitutional issues concerning the fundamental distinction between political contributions protected by the First Amendment and public-official bribery.

I. Counsel’s Substantial and Overlapping Litigation Commitments Require Additional Time.

Petitioner’s counsel is new to the case and served neither as trial nor appellate counsel, having been retained today. As such, counsel requires time to become familiar with the facts of this case and prepare argument.

Petitioner’s counsel has critical, multi-week trial commitments that directly conflict with preparing and filing the Petition for Certiorari:

1. *United States v. Navarro*, No. 25-661 (9th Cir.): Counsel presented oral argument before the Ninth Circuit earlier today;
2. *United States v. Nevin Shetty*, No. 2:23-cr-00084-TL (W.D. Wash.): Multi-week trial in a complex fraud case scheduled to commence tomorrow, October 24, 2025, with an expected duration extending into November 2025.

3. *United States v. Ryan Bloom*, No. 5:24-cr-00266-J (W.D. Okla.): Trial in a complex fraud case scheduled to commence on December 2, 2025, with an expected duration of one week.
4. *State of Tennessee v. Brian Cole*, Case No. 24-647-I (Madison County): Trial in an aggravated perjury case scheduled to commence on December 4, 2025, with an expected duration of several days.

The current deadline of October 23, 2025, falls directly within the preparation period for these arguments and trials. The requested 60-day extension, moving the deadline to December 22, 2025, is necessary to allow counsel to devote the requisite attention to drafting a petition that fully articulates the significant constitutional questions presented.

Furthermore, as discussed *infra*, Petitioner learned for the first time yesterday, October 22, 2025, through the media that Householder had sought and received an extension of time to file a petition for a writ of certiorari with this Court. Petitioner was not advised by prior appellate counsel that Householder filed such an application and received a 60-day extension, nor was Petitioner generally made aware that today was his

deadline for filing a writ of certiorari. Petitioner hired undersigned counsel after learning all of this yesterday.

Petitioner's conviction rises and falls by the constitutionality of Householder's conviction. Petitioner's decision to seek a writ of certiorari is inexorably intertwined with Householder's decision to do so, as was his decision to seek out undersigned counsel.

II. Petitioner seeks review of the same issues as Householder, who recently received an extension of time to file a writ of certiorari.

Petitioner seeks an extension to petition for a writ of certiorari because his conviction is fundamentally intertwined with Householders, who Petitioner learned only recently had filed a motion for extension with this Court to file a cert petition on October 6, 2025.

In a concurring opinion, Judge Thapar wrote separately to address the viability of Petitioner's conviction, specifically noting that "if the Supreme Court revisits its bribery cases and undermines the foundation of Householder's conviction, Borges's conviction is also ripe for reconsideration." Exhibit A at 44. Judge Thapar wrote that he would "join the chorus of judges encouraging the Supreme Court to revisit *Evans* [*v.*

United States, 504 U.S. 255 (1992)].” *Id.* at 46.¹ “Should the Court act,” Judge Thapar noted, “Householder’s conviction may well fall,” and “[i]f it does, that will have a trickle-down effect on Borges’s conviction.” *Id.*

If this Court revisits and undermines the foundation of Householder’s conviction—specifically the Court’s expansion of the Hobbs Act in *Evans*—then “Borges’s conviction is also ripe for reconsideration.” *Id.* at 44. Therefore, if the Supreme Court grants certiorari to Householder and potentially overturns or narrows *Evans*, Petitioner would have strong grounds to challenge his own conviction.

¹ That “chorus” consists of voices from this Court, as well as the Sixth Circuit. See *Silver v. United States*, 141 S. Ct. 656, 656–57 (2021) (Gorsuch, J., joined by Thomas, J., dissenting from denial of certiorari) (calling on the Court to reconsider *Evans*); *Ocasio v. United States*, 578 U.S. 282, 300 (2016) (Breyer, J., concurring) (agreeing that *Evans* “may well have been wrongly decided”); *United States v. Sittenfeld*, 128 F.4th 752, 772 n.8 (6th Cir. 2025) (Nalbandian, J.) (“At this point, *McCormick* and *Evans* are nearly 35 years old and it may be time for the Court to revisit or refine the doctrine.”); *id.* at 792 (Murphy, J., concurring) (encouraging the defendant to ask the Court to “reassess the [Hobbs] Act’s scope in light of three decades’ worth of precedent finding campaign donations entitled to strong First Amendment protection”); *id.* at 806 (Bush, J., dissenting) (emphasizing that “[i]t would be helpful for the Supreme Court to provide guidance here”).

III. There Is No Prejudice to Respondents.

Granting this extension will not prejudice Respondents. The issues presented are of paramount public importance regarding constitutionally protected speech, and Householder has requested and already received a similar extension, of which the government is aware. Given the timeline for briefing and argument, an extension until December 22, 2025, will not delay ultimate resolution beyond the Court's standard term schedule.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the application be granted and the deadline to file a petition for writ of certiorari in this matter be extended by sixty (60) days, up to and including December 22, 2025.

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/s/ J. Alex Little

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to Supreme Court Rules 22.2 and 29, that on October 23, 2025, the foregoing was electronically filed with the Clerk of the Court. Pursuant to Supreme Court Rule 22, paper copies were transmitted to the Clerk on or about October 23, 2025.

I further certify that counsel of record in the District Court and the Appellate Court in this matter were served via electronic mail. I further certify that paper copies of this application were mailed to the Mailing Address of the Solicitor General, as included in the Rules of the Supreme Court of the United States.

/s/ J. Alex Little
J. Alex Little