No. _______

In the Supreme Court of the United States

MATTHEW CLINE,

Applicant,

v.

UNITED STATES OF AMERICA

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

To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Tenth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicant Matthew Cline respectfully requests a 30-day extension of time, to and including December 19, 2025, within which to file a petition for a writ of certiorari. The U.S. Court of Appeals for the Tenth Circuit issued an opinion on August 21, 2025. A copy of that opinion is attached. 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 November 19, 2025. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case.

3. This case seeks review of a decision by the Tenth Circuit that deepens a conflict among federal courts of appeals as to whether a defendant's untainted assets are

subject to forfeiture when he merely passes tainted assets to another defendant. Jared Newman, a contract clerk at the Western Area Power Administration (WAPA), masterminded a scheme to defraud WAPA. Pursuant to the scheme, co-conspirators would act as fake WAPA suppliers receiving payment for goods they never delivered. The supplier would receive the full contract price but never deliver the goods. The suppliers would then transfer nearly all of the money WAPA paid to Mr. Newman, and in exchange for acting as the fake purchaser would keep a few hundred dollars as their cut. Mr. Cline was one of seven individuals participating in Mr. Newman's scheme. WAPA paid Mr. Cline's corporations $179,314.56 in total, most of which he immediately transferred to Mr. Newman.

4. A jury convicted Mr. Cline on six counts of wire fraud, and the trial court ordered him to forfeit to the United States the value of those wires, totaling $20,268.35. Mr. Cline appealed his conviction to the Tenth Circuit, and the Government cross-appealed the forfeiture order. The Government argued that the trial court should have ordered forfeiture on all payments WAPA made to Mr. Cline, regardless of whether they were charged in the indictment. Relying on *Honeycutt v. United States*, 581 U.S. 443 (2017), Mr. Cline urged the Tenth Circuit to affirm on the alternate ground that the Government sought joint-and-several liability because Newman obtained the vast majority of the $179,314.56, and those assets were always intended for Newman. The Tenth Circuit disagreed, holding that a defendant can be liable for the full financial proceeds of a criminal scheme so long as he at one time controlled the money, even if it was immediately transferred.

5. This case raises an exceptionally important question warranting this Court's review: whether, following *Honeycutt*, a defendant may be ordered to forfeit property to the government that he transferred to a co-conspirator merely because it was at one point under his control, however briefly.

6. As the panel below recognized, courts of appeals are in disarray over the answer to that question. Some circuits hold that forfeiture does not apply to untainted property not traceable to the offense, and that a defendant may be ordered to forfeit money only if it "came to rest" with him. Other courts, like the Tenth Circuit, hold that a defendant may be ordered to forfeit property based solely on the fact that he touched it, even if the benefits accrued to a different member of the conspiracy.

7. The Tenth Circuit's decision contributes to an already deep circuit split. This case represents an ideal vehicle to clarify the scope of forfeiture following *Honeycutt*. The issue was dispositive below, and Mr. Cline would have prevailed if his case had arisen in a circuit on the other side of the split.

8. Mr. Cline respectfully requests an extension of time to file a petition for a writ of certiorari. Counsel was retained in this matter after the panel issued its decision, and a 30-day extension would allow counsel sufficient time to fully examine the decision's consequences, research and analyze the issues presented, and prepare the petition for filing. Additionally, the undersigned counsel has a number of other pending matters that will interfere with counsel's ability to file the petition on or before November 19, 2025.

Wherefore, Mr. Cline respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including December 19, 2025.

Dated: October 28, 2025

Respectfully submitted,

Andrew T. Tutt
Counsel of Record
ARNOLD & PORTER
KAYE SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5000
andrew.tutt@arnoldporter.com

Counsel for Applicant Matthew Cline