

App. No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Harold Bennie Kaeding,

Applicant,

v.

United States of America,

Respondent.

ON APPLICATION FOR AN EXTENSION OF TIME TO FILE PETITION FOR WRIT
OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE
EIGHTH CIRCUIT

APPLICATION FOR EXTENSION OF TIME

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

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Harold Bennie Kaeding respectfully requests that the time to file a petition for a writ of certiorari be extended for 60 days, up to and including November 2, 2026. The Court of Appeals issued its opinion on March 27, 2026 (Exhibit A) and denied rehearing en banc on June 4, 2026 (Exhibit B). Absent an extension of time, the petition would be due on September 2, 2026, which is more than 10 days from the filing of this application. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

Background

Harold Kaeding was charged with and, following a jury trial, convicted of three counts of wire fraud, three counts of aggravated identity theft, and one count of money laundering, all stemming from his application for and receipt of money through the Payroll Protection Program (PPP). He represented himself during much of the District

Court proceedings. On appeal he challenged the validity of his waiver of counsel and the fairness of his trial. He also challenged the decision denying his motion to suppress statements he made during an interrogation by law enforcement as well as the District Court's application of the sentencing guidelines and the resulting sentence, an aggregate of 87 months imprisonment.

Reasons for Granting the Application

Counsel of record was initially appointed to represent Mr. Kaeding early in District Court proceedings. When Mr. Kaeding exercised his right to represent himself, counsel was appointed to serve as standby counsel. When, during trial, Mr. Kaeding expressed his desire to be represented, counsel was re-appointed. When directed by Mr. Kaeding, counsel filed a notice of appeal.

On December 5, 2025, the Eighth Circuit Court of Appeals appointed counsel pursuant to the Criminal Justice Act to represent Mr. Kaeding for his direct appeal. Pursuant to Revision of Part V of the Eighth Circuit Plan to Implement the Criminal Justice Act of 1964, the

duties of appointed counsel extend to “(1) advising the defendant of the right to file ... a petition for writ of certiorari in the Supreme Court of the United States, and (2) informing the defendant of counsel’s opinion as to the merit and likelihood of the success[.]” Part V requires appointed counsel to file a petition for writ of certiorari if requested by the defendant, provided there are reasonable grounds to do so. In the absence of reasonable grounds, counsel “must so inform the court and must file a written motion to withdraw.”

Effective, persuasive, and ethical appellate advocacy extends beyond the decision of whether or not to appeal (or as here, whether or not to file a petition for writ of certiorari) and includes decisions about which issues to raise. *See e.g. Jones v. Barnes*, 463 U.S. 745, 751 (1983) (“Experienced advocates since time beyond memory have emphasized the importance of winnowing out weaker arguments on appeal”). In selecting issues, appellate defense counsel “should diligently attempt to accommodate the client’s wishes.” ABA Standard 4-9.2(g).

Counsel has advised Mr. Kaeding of his rights and provided counsel’s opinion. In a recent phone call, Mr. Kaeding directed counsel

to seek an extension of the deadline to file a petition for writ of certiorari. He is seeking more time to review the advisory and opinions of counsel, the trial court and appellate record, and the law. Mr. Kaeding is incarcerated and being held at a federal medical facility. The time he has available on any given day to work on his case and consult with counsel is limited by his incarceration and the serious medical conditions which have resulted in his placement at a medical facility. An extension should be granted to fully vindicate and protect Mr. Kaeding's right to counsel and to enable counsel to provide effective and ethical representation.

Conclusion

For the foregoing reasons, Mr. Kaeding respectfully requests that the time to file a petition for writ of certiorari in this matter be extended 60 days, up to and including November 2, 2026.

Dated: July 31, 2026

Respectfully submitted,



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