

No. _____

IN THE
Supreme Court of the United States

LEILONI BLAKE SMITH,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

**APPLICATION REQUESTING AN EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

JON M. SANDS
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District of Arizona

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

Leiloni Blake Smith, by and through her court-appointed counsel, M. Edith Cunningham, Assistant Federal Public Defender, respectfully requests that the Honorable Justice Gorsuch grant an extension of time to file the petition for writ of certiorari pursuant to Supreme Court Rules 13.5 and 30. Ms. Smith asks the Court to extend the time for filing the petition for thirty (30) days, from August 31, 2026, to September 30, 2026.

The judgment of the United States Court of Appeals for the Tenth Circuit in this case, Tenth Cir. No. 24-7081, was entered on March 9, 2026. Appendix A. The Court of Appeals denied Ms. Smith's petition for rehearing on June 2, 2026. Appendix B.

The extension is requested because of undersigned counsel's conflicting professional obligations, including: the opening brief in Ninth Cir. No. 25-653, filed July 2; the petition for a writ of certiorari in Ninth Circuit No. 23-15637 (S. Ct. No. 26A41), due August 28; and the need to review extensive case materials in Ninth Cir. No. 24-5837—set for oral argument in October—in order to effectively confer with previous counsel before he retires on September 18. Undersigned counsel was also on leave July 10, August 5-7, and August 12-14.

Ms. Smith therefore respectfully asks the Honorable Justice Gorsuch to extend the time for filing the petition for thirty (30) days from August 31, 2026, to September 30, 2026.

RESPECTFULLY SUBMITTED August 20, 2026.

JON M. SANDS
Federal Public Defender
District of Arizona

s/ M. Edith Cunningham
M. Edith Cunningham
Counsel of Record
Assistant Federal Public Defender

Exhibit A

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse

1823 Stout Street

Denver, Colorado 80257

(303) 844-3157

Clerk@ca10.uscourts.gov

Christopher M. Wolpert
Clerk of Court

Jane K. Castro
Chief Deputy Clerk

March 09, 2026

Ms. M. Edith Cunningham
Office of the Federal Public Defender
District of Arizona
407 West Congress Street, Suite 501
Tucson, AZ 85701

RE: 24-7081, United States v. Smith
Dist/Ag docket: 6:22-CR-00037-RAW-2

Dear Counsel:

Attached is a copy of the order and judgment issued today in this matter. The court has entered judgment on the docket pursuant to Fed. R. App. P. Rule 36.

Pursuant to Fed. R. App. P. Rule 40(d)(1), any petition for rehearing must be filed within 14 days after entry of judgment. Please note, however, that if the appeal is a civil case in which the United States or its officer or agency is a party, any petition for rehearing must be filed within 45 days after entry of judgment. Parties should consult both the Federal Rules and local rules of this court with regard to applicable standards and requirements. In particular, petitions for rehearing may not exceed 3900 words or 15 pages in length, and no answer is permitted unless the court enters an order requiring a response. *See* Fed. R. App. P. Rule 40 and 10th Cir. R. 40 for further information governing petitions for rehearing.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal line extending to the right.

Christopher M. Wolpert
Clerk of Court

cc: Linda A. Epperley
Lisa C. Williams

CMW/at

Exhibit B

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LEILONI BLAKE SMITH,

Defendant - Appellant.

No. 24-7081
(D.C. No. 6:22-CR-00037-RAW-2)
(E.D. Okla.)

ORDER

Before **PHILLIPS, KELLY**, and **MORITZ**, Circuit Judges.

Appellant's petition for rehearing is denied. Judge Moritz voted to grant rehearing.

The petition for rehearing en banc was transmitted to all of the judges of the court who are in regular active service. As no member of the panel and no judge in regular active service on the court requested that the court be polled, that petition is also denied.

Entered for the Court

Per Curiam