

No. _____

Seventh Circuit Appeal No. 24-2298

IN THE
SUPREME COURT OF THE UNITED STATES

MITCHELL MELEGA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

EXHIBIT A – AFFIDAVIT OF COUNSEL

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**AFFIDAVIT OF ADAM STEVENSON
IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME TO
PETITION FOR A WRIT OF CERTIORARI**

I submit this affidavit in support of Mitchell Melega's Application for an Extension of Time to Petition for a Writ of Certiorari:

1. On August 14, 2024, pursuant to the Criminal Justice Act of 1964, the Court of Appeals for the Seventh Circuit ("Court of Appeals") appointed me to represent Mitchell Melega in his direct appeal arising out of the District Court for the Central District of Illinois ("District Court"). (Exhibit B.) Mr. Melega is in federal custody at FCI McKean. His projected release date is currently June 11, 2028.
2. On April 24, 2026, the Court of Appeals issued its opinion affirming Mr. Melega's sentence. (Exhibit C.)

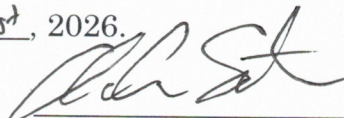
3. In its opinion, the Court of Appeals held that the district court did not err in applying both role in the offense and sophisticated means United States Sentencing Guidelines enhancements. In significant part, the opinion relied on the principle that a reviewing court can affirm a sentencing “enhancement on any ground supported by the record”. *United States v. Melega*, 173 F.4th 907, 911 (7th Cir. 2026) (Exhibit C.)
4. There is at a minimum a reasonable prospect that this Court will grant *certiorari* and potentially reverse the decision of the Court of Appeals. Following *Gall v. United States*, 552 U.S. 38, 49-50 (2007), this Court requires that sentencing courts explain their Guidelines decisions adequately for appellate review. However, cases like *Melega* risk allowing appellate courts a second opportunity to apply the Guidelines, using 20/20 hindsight to affirm almost any Guidelines enhancement by a searching inquiry of the record. This creates tension with *Gall* and the Court’s sentencing jurisprudence.
5. Counsel has in the past been, and currently is, engaged in other litigation currently in ongoing briefing. This work includes a reply brief due August 17th in *United States v. Jayden Bertram*, Seventh Circuit Appeal No. 25-2093; an opening brief due on September 11th in *United States v. Vito Jachimiak*, Seventh Circuit Appeal No. 25-3228; and a reply brief also due on September 11th in *United States v. Aundre Allen*, Seventh Circuit Appeal No. 24-2541. These cases are in addition to

several other legal matters and work duties while running a federal appellate law school clinic.

6. In addition to other casework, counsel is not a full-time practicing attorney, and is instead the director of a legal clinic at the University of Wisconsin Law School. Due to the educational nature and structure of the project and counsel's work directing it, counsel has additional time commitments in addition to, and apart from, litigation. Though not itself a basis for an extension given the general time commitments of members of the bar, in combination with the casework listed above, these matters demonstrate the need for additional time to effectively represent Mr. Melega's interests before this Court.
7. Mr. Melega is aware of the possibility that counsel would need to file such a motion for an extension of time to petition the Court. Mr. Melega has no objections to requesting a 45-day extension.
8. There is no prejudice to the respondent by the granting of this motion, which would serve justice and the public interest.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13th day of August, 2026.



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Attorney for Petitioner,
MITCHELL MELEGA

State of Wisconsin
County of Dane

This document was signed before me on 8/13/26 by Adam Stevenson

Angela J. Haugen
Name:

Notary Expiration Date: 7/16/2030

NOTARY STAMP/SEAL

