

Case No. _____

SUPREME COURT OF THE UNITED STATES

UNITED STATES OF AMERICA
PLAINTIFF-RESPONDENT

V.

WILLIAM S. FILLYAW
DEFENDANT-PETITIONER

DEFENDANT-PETITIONER'S MOTION
FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI

On Appeal from the Seventh Circuit Court of Appeals,
Appeal No. 25-1836, seeking review of judgment in
Northern District of Illinois Case No. 23CR650.

Jed Stone,
Member of the Court
Counsel for Petitioner
Stone & Associates, Ltd.
325 Washington St. Suite 400
Waukegan, IL 60085
847-336-7888
jstone@jedstone.com
ARDC No. 2745127

Jacob Goldwater
Counsel for Petitioner
Associate Attorney
Stone & Associates, Ltd.
325 Washington St. Suite 400
Waukegan, IL 60085
847-336-7888
jgoldwater@jedstone.com
ARDC No. 6355445

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

UNITED STATES OF AMERICA, <i>Plaintiff-Respondent,</i>	District Case No. 23CR650 Appeal No. 25-1836
v.	
WILLIAM S. FILLYAW, <i>Defendant-Petitioner.</i>	<i>On Appeal from the Seventh Circuit Court of Appeals</i>

**MOTION TO EXTEND TIME TO FILE PETITION FOR WRIT OF
CERTIORARI PURSUANT TO SUP. CT. R. 13(5)**

William S. Fillyaw, the Defendant-Petitioner, moves in this Honorable Court for an extension of time to file his petition for *writ of certiorari* pursuant to Supreme Court Rule 13(5). In support thereof, Mr. Fillyaw states as follows:

1. William Fillyaw was charged by indictment on December 19, 2023, in the United States District Court of the Northern District of Illinois for offenses under 21 U.S.C. § 841 (Count 1), 18 U.S.C. § 924(c)(1)(A) (Count 2), and 18 U.S.C. § 922(g) (Count 3).

2. Mr. Fillyaw pled guilty to Counts 1 and 2 of the indictment, preserving his right to appeal the denial of a motion to suppress in the District Court on February 14, 2025.

3. Mr. Fillyaw was sentenced to a term of 84 months imprisonment on Count 1 and 60 months imprisonment on Count 2, on May 12, 2025. The imposition of Mr. Fillyaw's sentence was a final appealable judgment.

4. The Seventh Circuit Court of Appeals affirmed the denial of Mr. Fillyaw's motion to suppress on May 26, 2026. A copy of the lower court's judgment is appended to this motion.

5. Mr. Fillyaw moved for rehearing, and in the alternative rehearing *en banc*, on June 29, 2026. A copy of Mr. Fillyaw's petition for rehearing is appended to this motion.

6. The Seventh Circuit Court of Appeals denied Mr. Fillyaw's petition on July 9, 2026. The order denying Mr. Fillyaw's petition is appended to this motion.

7. Because Mr. Fillyaw seeks review of a judgment from the United States Court of Appeals, this Honorable Court may review the judgment of the lower court pursuant to 28 U.S.C. § 1254(1).

8. Under Supreme Court Rule 13, a Justice of this Court may grant an extension for the time to file a petition for *writ of certiorari* up to 60 days for good cause shown. *See* Sup. Ct. R. 13(5).

9. Counsel for Mr. Fillyaw seeks an extension of 60 days from the date his petition is due because of ongoing litigation and appeals due in Illinois state court.

10. Specifically, Counsel in finishing briefing in *People v. Regis Woods*, Appeal No. 3-25-0078, an appeal denying post-conviction relief from a first-degree murder conviction wherein actual innocence is asserted; *People v. Kieshaun Smith*, Appeal No. 2-25-0414, a direct appeal from a final judgment wherein it is asserted the evidence was insufficient to prove guilt beyond a reasonable doubt and exculpatory evidence was withheld by law enforcement and was only discovered because of post-trial forensic testing.

11. Furthermore, Counsel *was* actively preparing for trial in the case of *People v. Frank Saporito*, Lake Cnty. Case No. 25CF2055. In this case, the defendant is

charged with *inter alia* aggravated kidnapping and has demanded a speedy trial pursuant to 725 ILCS 5/103-5 (requiring any person in custody to be brought to trial within 120 days unless the delay is occasioned by the defendant). Although the case was scheduled to begin trial on September 14, 2025, the State moved on its motion to continue the trial to October 19, 2026.

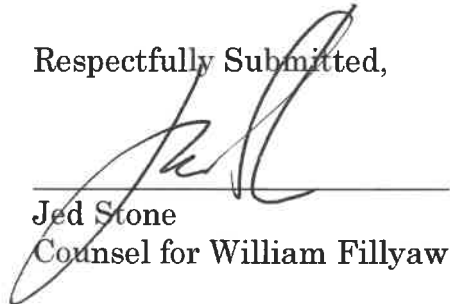
12. Beyond the cases already mentioned in ¶¶'s 10, 11, *supra*, Counsel has been actively engaged in other cases throughout the State of Illinois.

13. Because of Counsel's calendar, an extension is respectfully requested and sought in good faith.

14. Counsel further certifies pursuant 28 U.S.C. § 1746 under the penalty of perjury that the foregoing is true and correct, on September 25, 2026.

WHEREFORE, William Fillyaw prays a Justice of this Honorable Court grant his motion for an extension of time and permit him to file his petition for writ of certiorari on December 6, 2026.

Respectfully Submitted,



Jed Stone
Counsel for William Fillyaw

STONE & ASSOCIATES, LTD.
325 Washington St. Suite 400
Waukegan, IL 60085
847-336-7888
jstone@jedstone.com
ARDC No. 2745127

In the
United States Court of Appeals
For the Seventh Circuit

No. 25-1836

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

WILLIAM FILLYAW,

Defendant-Appellant.

Appeal from the United States District Court for
the Northern District of Illinois, Eastern Division.
No. 1:23-cr-00650-1 — **Matthew F. Kennelly**, *Judge*.

SUBMITTED MAY 18, 2026 — DECIDED MAY 26, 2026

Before SCUDDER, KIRSCH, and TAIBLESON, *Circuit Judges*.

SCUDDER, *Circuit Judge*. In 2022 law enforcement officers executed a warrant and arrested William Fillyaw in Gurnee, Illinois. The arrest occurred in an apartment parking lot after Fillyaw stepped out of his car and started walking toward the entrance carrying a backpack. While handcuffing Fillyaw, the officers removed the backpack and searched it a few minutes later, finding a loaded handgun and various drugs. Federal charges followed.

Fillyaw moved to suppress the gun and drugs. The district court denied the motion, concluding that the inventory search exception to the Fourth Amendment's warrant requirement authorized the search of Fillyaw's backpack. Fillyaw pleaded guilty to the federal charges and reserved his right to appeal.

We see no error in the district court's denial of the motion to suppress. In no way does Fillyaw challenge his arrest. For good reason: the officers had a warrant (alleging that Fillyaw committed arson). He instead challenges the officers' seizure of his backpack and the ensuing search of its contents. But the law has long been clear that when an arrestee is not in a private space, it is "reasonable for the officers to take custody of the personal property in the arrestee's possession at the time of his arrest." *United States v. Griffith*, 537 F.2d 900, 905 (7th Cir. 1976); see also Wayne R. LaFare, *Search and Seizure: A Treatise on the Fourth Amendment* § 5.5(b) (6th ed. 2025) (explaining that police taking custody of property "presents no problem when a person is arrested in some public place while carrying a suitcase or like object, for it would be clearly improper for the police to simply leave the container unattended at the scene of the arrest"). And once the authorities take lawful custody of personal property, they may conduct an inventory search "in accordance with established inventory procedures." *Illinois v. Lafayette*, 462 U.S. 640, 648 (1983).

These principles find straightforward application in and resolve Fillyaw's appeal. He begs to differ by suggesting that the officers should have simply left the backpack in the parking lot. The Fourth Amendment did not compel that course. Even more, for all the officers knew, the backpack may have contained personal valuables that anyone could have then come and stolen—a result certain to prompt a complaint from

No. 25-1836

3

the property owner. Nor, of course, does law enforcement have to run the safety risk of leaving what might be weapons or contraband in an open location following an arrest. It takes no imagination to foresee terrible consequences from following that course. The inventory search doctrine does not force the police into the predicaments Fillyaw presses on appeal.

Fillyaw also suggests that the officers could have put his backpack in his car, given it to his girlfriend who was apparently in the area, or taken it to the apartment complex's general manager. He is right that the Fourth Amendment would not have prohibited any of these options. But Fillyaw presents no evidence that he or anyone else asked the officers to take these steps. On these facts, the district court was right to conclude that the inventory search doctrine amply authorized the officers' actions.

Reaching further, Fillyaw insists that the officers conducted and documented the inventory search in ways that did not align with the letter of their written policies. But any deviations were minimal, such as the fact that only one officer conducted the search and used the wrong form to log what he found. None of this is material. See *United States v. Cartwright*, 630 F.3d 610, 616 (7th Cir. 2010) ("[M]inor deviations from department policy do not render an inventory search unreasonable."). Nor do we see anything to Fillyaw's suggestion that the officers somehow acted in bad faith. Quite to the contrary, what transpired has all the earmarks of sound, responsible police work.

Finally, Fillyaw also invites us to consider an issue he admits he forfeited. He alleges that law enforcement's use of a commercial license plate reader database to identify his location violated the Fourth Amendment. We decline to do so, as

he had every opportunity to include this issue in his motion before the district court.

For these reasons, we AFFIRM.

No. 25-1836

In the United States Court of Appeals for the Seventh Circuit

WILLIAM S. FILLYAW,

Defendant-Appellant,

v.

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

*On Appeal from the United States District Court
for the Northern District of Illinois, Eastern Division
Honorable Matthew F. Kennelly, Judge Presiding
District Court No. 23-CR-650*

PETITION FOR REHEARING, OR ALTERNATIVELY, PETITION FOR REHEARING *EN BANC*

Jed Stone
Jacob Goldwater
Counsel for Appellant
Stone & Associates, Ltd.
325 Washington St., Suite 400
847-336-7888
jstone@jedstone.com
ARDC No. 2745127
jgoldwater@jedstone.com
ARDC No. 6355445

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-1836

Short Caption: William S. Fillyaw v. United States of America

Short Caption: William S. Fillyaw v. United States of America

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐

PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.

- (1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):
William S. Fillyaw
- (2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Jed Stone
Jacob Goldwater
- (3) If the party, amicus or intervenor is a corporation:
- i) Identify all its parent corporations, if any; and
N/A
- ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:
N/A
- (4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:
N/A
- (5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:
N/A

Attorney's Signature: /s/ Jed Stone Date: 6/24/26Attorney's Printed Name: Jed StonePlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d).

Yes

☒

No

☐Address: 325 Washington St., Suite 400, Waukegan, IL 60085Phone Number: 847-336-7888Fax Number: 847-336-0733E-Mail Address: jstone@jedstone.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 25-1836Short Caption: William S. Fillyaw v. United States of America

To enable the judges to determine whether recusal is necessary or appropriate, an attorney for a non-governmental party, amicus curiae, intervenor or a private attorney representing a government party, must furnish a disclosure statement providing the following information in compliance with Circuit Rule 26.1 and Fed. R. App. P. 26.1.

The Court prefers that the disclosure statements be filed immediately following docketing; but, the disclosure statement must be filed within 21 days of docketing or upon the filing of a motion, response, petition, or answer in this court, whichever occurs first. Attorneys are required to file an amended statement to reflect any material changes in the required information. The text of the statement must also be included in the front of the table of contents of the party's main brief. **Counsel is required to complete the entire statement and to use N/A for any information that is not applicable if this form is used.**

☐

PLEASE CHECK HERE IF ANY INFORMATION ON THIS FORM IS NEW OR REVISED AND INDICATE WHICH INFORMATION IS NEW OR REVISED.

- (1) The full name of every party that the attorney represents in the case (if the party is a corporation, you must provide the corporate disclosure information required by Fed. R. App. P. 26.1 by completing item #3):
William S. Fillyaw
- (2) The names of all law firms whose partners or associates have appeared for the party in the case (including proceedings in the district court or before an administrative agency) or are expected to appear for the party in this court:
Jed Stone
Jacob Goldwater
- (3) If the party, amicus or intervenor is a corporation:
- i) Identify all its parent corporations, if any; and
N/A
- ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:
N/A
- (4) Provide information required by FRAP 26.1(b) – Organizational Victims in Criminal Cases:
N/A
- (5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:
N/A

Attorney's Signature: /s/ Jed Stone Date: 6/24/26Attorney's Printed Name: Jed StonePlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☒ No ☐Address: 325 Washington St., Suite 400, Waukegan, IL 60085Phone Number: 847-336-7888Fax Number: 847-336-0733E-Mail Address: jstone@jedstone.com

Table of Contents

STATEMENT FOR REHEARING PURSUANT TO FEDERAL RULES OF APPELLATE PROCEDURE 40(b)(2) 1

ARGUMENT AND POINTS MISAPPREHENDED 1

 I. Because Mr. Fillyaw was arrested on a private way, the rule of *Illinois v. Lafayette* is inapplicable..... 1

 II. This Court never address whether the FBI’s changing justification for seizure of the backpack was evidence of bad faith. 5

CONCLUSION..... 7

CERTIFICATE OF COMPLIANCE..... 8

CERTIFICATE OF SERVICE..... 9

Table of Authorities

<i>Illinois v. Lafayette</i> , 462 U.S. 640 (1983)	1
<i>People v. Dexter</i> , 328 Ill.App.3d 583, 586–90 (2d Dist. 2002).....	2
<i>United States v. Braxton</i> , 61 F.4th 830 (10th Cir. 2023).....	1, 3, 4
<i>United States v. Duguay</i> , 93 F.3d 346 (7th Cir. 1996)	1, 3, 4, 5
<i>United States v. Fillyaw</i> , ___ F.4th ___ (CA7 2026), 2026 WL 1470264.....	1, 2, 4, 5
<i>United States v. Sanders</i> , 796 F.3d 1241 (10th Cir. 2015).....	1, 4
<i>Valley Liquors, Inc. v. Renfield Importers, Ltd.</i> , 822 F.2d 656, 670 (7th Cir. 1987) ...	6
<i>Whren v. United States</i> , 517 U.S. 806 (1996).....	5

**STATEMENT FOR REHEARING PURSUANT TO FEDERAL RULES OF
APPELLATE PROCEDURE 40(b)(2)**

Mr. Fillyaw respectfully requests a panel rehearing because this Court's opinion conflicts with the binding law of this circuit under *United States v. Duguay*, 93 F.3d 346 (7th Cir. 1996) and conflicts with the authoritative law of the Tenth Circuit Court of Appeals under, *inter alia*, *United States v. Braxton*, 61 F.4th 830 (10th Cir. 2023) and *United States v. Sanders*, 796 F.3d 1241 (10th Cir. 2015).

ARGUMENT AND POINTS MISAPPREHENDED

Mr. Fillyaw brings this Petition for Hearing, or alternatively a Petition for Rehearing *en banc* based upon the forgoing points:

In affirming the grant of the lower's denial of Mr. Fillyaw's motion to suppress, this Court impliedly distinguished the impoundment of Mr. Fillyaw's backpack from the impoundment in *United States v. Duguay*, 93 F.3d 346 (7th Cir. 1996) by relying upon *Illinois v. Lafayette*, 462 U.S. 640 (1983). By failing to apply *Duguay's* impoundment analysis this Court overlooked a primary issue on appeal, thus, resulting in a conflict between this Circuit's law and Tenth Circuit law. Finally, this Court found the FBI agents who searched Mr. Fillyaw's backpack did not act in bad faith. Each of these points is addressed below.

I. Because Mr. Fillyaw was arrested on a private way, the rule of *Illinois v. Lafayette* is inapplicable.

Unlike the arrestee in *Lafayette*, but like the arrestee in *Duguay*, Mr. Fillyaw was arrested on private property—a major point overlooked in this Court's opinion. *United States v. Fillyaw*, ___ F.4th ___ (CA7 2026), 2026 WL 1470264, *2 (cleaned

up).¹ This Court stated, “when an arrestee is not in a private space, it is reasonable for the officers to take custody of the personal property in the arrestee’s possession at the time of arrest.” *Fillyaw*, 2026 WL 1470264, *2 (cleaned up). This principle, though applicable in *Lafayette*, is not applicable in Mr. Fillyaw’s case.

In *Lafayette*, the defendant was arrested at a public theatre, a place of public accommodation, as opposed to a “private way” like both the defendant in *Duguay* and Mr. Fillyaw. See *People v. Dexter*, 328 Ill.App.3d 583, 586–90 (2d Dist. 2002) (defining and distinguishing a “public way” from a “private way” under Illinois law). In Illinois, a private parking lot not maintained by the state or government is a “purely private parking lot.” *Id.* at 588. This factual distinction should have led to the contrary result in Mr. Fillyaw’s case because Mr. Fillyaw’s property was subject to *de facto* seizure on the basis his arrest happened in a “non-private” space.

Under Illinois law, “a private way does not become a public way merely because it is accessible to the public.” *Dexter*, 328 Ill.App.3d at 587. It is clear the parking lot where Mr. Fillyaw was arrested was not a public way, nor has it ever been argued it was a public place of accommodation. See *id.* Mr. Fillyaw was arrested in a private space and the FBI was *not* permitted to take his bag without lawful justification. Here, no justification has been proffered.

While it has been argued that the community caretaking exception permitted the seizure of Mr. Fillyaw’s backpack, the FBI had no caretaking role of the public roadway in the private parking lot where Mr. Fillyaw was arrested. Furthermore,

¹ Because Mr. Fillyaw’s opinion does not have a complete Federal Reporter citation, this Petition will use the Westlaw citation assigned to it hereinafter.

where the FBI had alternatives to impounding the bag, which this Court conceded were permissible under the Fourth Amendment, they unreasonably refused the lesser intrusive course of conduct which would have upheld Mr. Fillyaw's Fourth Amendment protections against unreasonable seizures. *See Duguay*, 93 F.3d at 352 (stating it was unreasonable under the Fourth Amendment to impound property without regard of a person's ability to have it speedily removed if the purpose of the impoundment is caretaking the streets).

In this case, alternatives to impoundment existed (*see Braxton*, 61 F.4th at 835–39) and Mr. Fillyaw could have had his bag speedily removed. This Court acknowledged Mr. Fillyaw's proffered alternatives to impoundment—each of which were immediately available. Despite Mr. Fillyaw's ability to have it speedily removed, the agents searched his backpack within approximately two minutes of arresting him. *See App. 261:6–25; App. 338.*² According to the agents, this was a “search incident to arrest,” not an inventory search or impoundment. Only after this was challenged did the agents' position change that the search was for inventory purposes.

Assuming this was an inventory search, the agents needed to come into possession of the backpack lawfully. *See Duguay*, 93 F.3d at 353. Under the law of this Circuit, an impoundment is lawful when conducted pursuant to a standardized policy. *Id.* at 351–52. Here, the conflicting rationales and inconsistent testimony of

² The body-worn camera DVD in the Appendix shows the arrest occurred at approximately two minutes into the video. At 3:07 in the video, TFO Ploch, who searched the backpack can be observed walking up to grab the backpack. Ploch testified that within approximately two minutes of the encounter with Mr. Fillyaw he was searching his backpack. *App. 261:6–25.*

the agents leads to the conclusion that the impoundment was not according to a standardized policy, rendering the impoundment unreasonable. *See id.* at 351–53 (discussing the officer’s conflicting rationales for impoundment and finding impoundment unreasonable where it was not according to standardized policy). Rather, this Court found Mr. Fillyaw was validly arrested in a public space, thus permitting the seizure and search the backpack. *Duguay* dictates a contrary result.

In *Duguay*, this Court never questioned the validity of *Dugay’s* arrest for assault to the police officer who tried to stop him, yet it found the impoundment of *Duguay’s* car in a private parking lot unreasonable. *See Duguay*, 93 F.3d at 349 (describing the arrest), 350–51 (upholding the investigatory stop which led to arrest), 351–353 (rejecting the impoundment). Like *Duguay*, Mr. Fillyaw was lawfully arrested in the parking lot of an apartment complex, yet this Court found of the seizure of his backpack reasonable. *Fillyaw*, 2026 WL 1470264, *2 (describing Mr. Fillyaw’s valid arrest pursuant to a warrant but finding impoundment reasonable). Both *Duguay* and Mr. Fillyaw were arrested in the parking lot of an apartment complex, both had property impounded by law enforcement, but this Court has unintelligibly distinguished the two cases.

While the lower court distinguished a car from a backpack, the Tenth Circuit found no meaningful distinction between a car and a backpack because the bottom-line question was whether there was an unreasonable seizure of property. *See generally, Braxton*, 61 F.4th 830 (relying upon *United States v. Sanders*, 796 F.3d 1241 (a case describing the impoundment of a vehicle) to find unreasonable the

impoundment of a backpack). The Fourth Amendment certainly makes no distinction.

Furthermore, in *Duguay*, this Court did not tolerate a *per se* impoundment of property on the basis that its owner was arrested. *See id.* at 351–53. This Court also rejected that officer liability ultimately justified an impoundment of property. *Id.* at 352. Yet, in Mr. Fillyaw’s case, both the district court and this Court justified the *seizure*, in part, because of Mr. Fillyaw’s status as an arrestee, and in part, based on officer liability. S.A. 10:12–14, 11:14–20; *Fillyaw*, 2026 WL 1470264, *2–3.

This Court in *Duguay* explicitly found that *ex post* justification of an inventory search to protect against liability, was not *ex ante* justification to impound property. *Duguay*, 93 F.3d at 352. Yet, this Court upheld the impoundment in this case based upon the *ex post* justification which only applies to inventory searches under law of this Circuit. *Fillyaw*, 2026 WL 1470264, *3.

II. This Court never address whether the FBI’s changing justification for seizure of the backpack was evidence of bad faith.

All reports tendered in discovery labelled the seizure and search of Mr. Fillyaw’s backpack as a search incident to arrest. App. 127; 135. In asserting the FBI agents acted in bad faith, Mr. Fillyaw argued the FBI’s shifting justification to search his bag was bad faith because it laundered an investigative search into an administrative search, rendering the search permissible after the fact. Under *Whren v. United States*, 517 U.S. 806 (1996), an officer’s subjective motivation is a permissible area of inquiry when analyzing the propriety of an inventory search. *See id.* at 812.

This Court's opinion never addressed the propriety of the initial search being labelled a search incident to arrest, only to be argued as an inventory search later. Mr. Fillyaw's position was the search was in bad faith based upon the cumulative effect of numerous deviations from policy, along with the shape-shifting justification for the search (*i.e.*, search incident to arrest versus inventory search).

In this case, the officers' actions align with a search incident to arrest. The latter justification used to launder a bad search incident to arrest is *per se* bad faith. *See Valley Liquors, Inc. v. Renfield Importers, Ltd.*, 822 F.2d 656, 670 (7th Cir. 1987) (defining bad faith as "a design to mislead or deceive another . . . not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive"). In this case, Ploch testified that he wrote that term contemporaneously with the search to remember what he did that day. App. 127. Special Agent Shamsi also documented this in his report. App. 135. The Government's effort to defeat Mr. Fillyaw's motion to suppress is unpersuasive. Only in the motion to suppress hearing was it asserted that he was using that term as a "cop" and not as a "lawyer." App. 284:15–25.

CONCLUSION

Based upon the foregoing, this Honorable Court should grant rehearing, or alternatively, grant rehearing *en banc*.

Respectfully Submitted,

/s/ Jacob Goldwater

Jacob R. Goldwater

Counsel for William Fillyaw

STONE & ASSOCIATES, LTD.

325 Washington St. Suite 400

Waukegan, IL 60085

847-336-7888

jgoldwater@jedstone.com

ARDC No. 6355445

CERTIFICATE OF COMPLIANCE

The undersigned certifies this brief complies with requirements of Federal Rule of Appellate Procedure 32(a), including the type-volume limit of Fed. R. App. P. 32 (a)(7)(B) and Seventh Circuit Rule 32(c), excluding the parts of the document exempted by Fed. R. App. P. 32(f), in that this brief contains 1714 words.

This brief further complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and Seventh Circuit R. 32(b) and the type-style requirements of Fed. R. App. P. 32(a)(6), as it was prepared using 12-point Century Schoolbook Font.

/s/ Jacob Goldwater

Jacob Goldwater

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that on June 24, 2026, this brief was filed with the Clerk of the United States Court of Appeals for the Seventh Circuit through the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and they will be served via the CM/ECF system.

/s/ Jacob Goldwater
Jacob Goldwater
Attorney for Defendant-Appellant

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

July 9, 2026

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 25-1836

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

WILLIAM FILLYAW,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 1:23-cr-00650-1

Matthew F. Kennelly,
Judge.

O R D E R

Defendant-Appellant filed a petition for rehearing and rehearing en banc on June 23, 2026. All members of the original panel have voted to deny rehearing, and no judge in regular active service has requested a vote on the petition for rehearing en banc. The petition for rehearing and rehearing en banc is therefore DENIED.