
IN THE
Supreme Court of the United States

DEHSHID NOURIAN,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**Application for Extension of Time Within
Which to File a Petition for a Writ of Certiorari to
the United States Court of Appeals for the Fifth Circuit**

**APPLICATION TO THE HONORABLE CHIEF JUSTICE
SAMUEL A. ALITO, JR., AS CIRCUIT JUSTICE**

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October 9, 2026

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APPLICATION FOR EXTENSION OF TIME

Pursuant to Supreme Court Rule 13.5, Applicant Dehshid “David” Nourian respectfully requests a 32-day extension of time to file his petition for a writ of certiorari, to and including November 20, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The United States Court of Appeals for the Fifth Circuit entered its judgment in *United States v. Nourian*, No. 25-10365, on June 10, 2026, in an unpublished per curiam opinion (Haynes, Higginson, and Ho, JJ.), attached as Exhibit 1.

JURISDICTION

Mr. Nourian and his co-appellant Christopher Rydberg timely filed a timely joint petition for rehearing *en banc*, which was denied on July 21, 2026. It is attached as Exhibit 2. Absent an extension, the petition is due on October 19, 2026, 90 days after the denial of rehearing. Sup. Ct. R. 13.1. This application is filed at least ten days before that date. Sup. Ct. R. 13.5. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

REASONS JUSTIFYING AN EXTENSION OF TIME

1. This case arises from a multi-week jury trial in the United States District Court for the Northern District of Texas, No. 3:17-cr-00155-L (Hon. Sam A. Lindsay). Applicant was convicted of one count of conspiracy to commit health care fraud (18 U.S.C. § 1349); eight counts of health care fraud (18 U.S.C. § 1347); one count of conspiracy to launder money (18 U.S.C. 1956(h)); five counts of money laundering (18 U.S.C. 1956(a)); and one count of conspiracy to defraud the United States (18 U.S.C.

§ 371). Judgment was entered on February 25, 2025. The district court sentenced Applicant to 210 months' imprisonment and two years of supervised release, ordered restitution of \$115,389,128.20 and forfeiture of various properties. Applicant is currently serving this sentence in federal custody.

2. This case involves multiple questions potentially deserving of this Court's attention, and undersigned counsel would benefit from additional time to delve into those questions. Such questions include:

- a. Was the district court's restitution order, upheld by the court of appeals, contrary to *Apprendi* doctrine?
- b. Should *Pinkerton* be overruled, invalidating the vicarious criminal liability theory relied on by the government in this case?
- c. How much deference must federal courts give the commentary to the Sentencing Guidelines when it would result in a sentence enhancement?

4. An extension is also warranted to allow counsel time to coordinate and prepare a petition that will aid the Court's review of these issues. Applicant has invited the Carter G. Phillips Supreme Court Clinic and Northwestern Pritzker School of Law to assist with preparation of the petition. Because the academic year has recently begun, the Clinic students are just becoming familiarized with the caseload, functions of the Clinic, and the requirements of this Court. The record in this matter, including a 29-day trial transcript, is quite voluminous.

4. The Clinic and undersigned counsel are responsible for forthcoming petitions for writs of certiorari in *Ronan v. LaRose* (6th Cir. No. 26-3272) (currently due October 19); *Martinez v. United States* (9th Cir. No. 23-432) (currently due October 20); and *Darby v. United States* (3d Cir. No. 24-3091) (currently due December 1). Undersigned counsel is also responsible for briefing and preparation for oral argument in *Guerrero v. Dexter Johnson* (No. 25-1003) (merits), preparation of an amici brief in *Alvarez v. Guerrero* (No. 26-279) (cert stage amicus), and motions to dismiss in *In Re HVAC Equipment Antitrust Litigation*, No. 2:26-cv-10949 (E.D. Mich. 2026) (due October 9). An extension will thus help the Clinic faculty work with co-counsel to complete a cogent and well-researched petition while also discharging these other obligations.

CONCLUSION

For the foregoing reasons and good cause shown, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by 32 days, to and including November 20, 2026.

Respectfully submitted,
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