No. ____

IN THE SUPREME COURT OF THE UNITED STATES

Jason Lee Keller,
Applicant,

v.

Burl Cain *Commissioner, Mississippi Department of Corrections*; Lynn Fitch, *Attorney General of the State of Mississippi*,
Respondents.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI

CAROLINE K. IVANOV
Counsel of Record
WATKINS & EAGER PLLC
400 E. CAPITOL STREET (39201)
P. O. BOX 650
JACKSON, MS 39205-0650
(601) 965-1900
CIVANOV@WATKINSEAGER.COM

November 2, 2026

IN THE SUPREME COURT OF THE UNITED STATES

Jason Lee Keller,
Applicant,

v.

Burl Cain *Commissioner, Mississippi Department of Corrections*; Lynn Fitch, *Attorney General of the State of Mississippi*,
Respondents.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI

To the Honorable Samuel A. Alito, Jr., Associate Justice of the United States and Circuit Justice for the Fifth Circuit:

1. Pursuant to this Court's Rules 13.5, 22, and 30.3, and with the consent of Respondent, Applicant Jason Lee Keller respectfully requests a 30-day extension of time to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for Fifth Circuit in this case. This case involves an important question of federal constitutional law as it relates to confessions. In this case, the Mississippi Supreme Court held that Keller's statements that officers obtained when he was being treated in the intensive care unit were admissible. The Fifth Circuit agreed that the ICU statements were not fruit of the poisonous tree and were not taken in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966), or Keller's rights under the Fifth, Sixth, and Fourteenth Amendments.

2. Keller requests this extension because his Counsel of Record, Caroline K. Ivanov, who will represent Keller before this Court, is currently researching this issue and handling a number of other substantial competing obligations. Counsel has numerous filing deadlines and other professional commitments which would otherwise prevent the sort of comprehensive analysis that aids this Court in determining whether to grant certiorari.

3. Counsel has not previously sought an extension of time from this Court. The United States Court of Appeals for the Fifth Circuit denied rehearing on August 26, 2026. The time for filing a petition would therefore expire on November 24, 2026, absent an extension. Consistent with Rule 13.5, this application has been filed at least 10 days before that date. This Court has jurisdiction over this case under 28 U.S.C. § 1254.

4. Although this is a capital case, no execution date has been set.

5. By way of background, the Mississippi Supreme Court, on direct appeal, affirmed Keller's capital murder conviction and resulting death sentence for the 2007 murder of Ms. Hat Nguyen. Keller then unsuccessfully sought relief in state post-conviction and federal habeas corpus proceedings. On direct appeal, the Mississippi Supreme Court took the unusual step of remanding the case to the trial court for additional proceedings related to the admission of Keller's confessions obtained in the Intensive Care Unit. On return from remand for the supplemental evidentiary hearing, the Mississippi Supreme Court affirmed Keller's conviction and sentence.

6. Keller sought collateral relief in Mississippi state court. After an

evidentiary hearing related to trial counsel's failure to investigate and discover mitigating evidence, The Mississippi Supreme Court affirmed the trial court's denial of post-conviction collateral relief on December 10, 2020. Keller petitioned the District Court for relief under 28 U.S.C. § 2254, and the District Court denied relief. Keller appealed to the United States Court of Appeals for the Fifth Circuit, which upheld the Mississippi Supreme Court's decision that Keller made a knowing, voluntary, and intelligent waiver of this *Miranda* rights when giving a statement in the intensive care unit.

7. This case presents an important issue involving the admissibility of statements given under extreme circumstances and the rights conferred under the Fifth, Sixth, and Fourteenth Amendments. Keller's petition will satisfy the Court's criteria for certiorari because it concerns an important question of federal constitutional law.

8. Counsel respectfully requests additional time to file the petition for certiorari because counsel has had a number of other substantial competing commitments, including:

- Preparing a Reply Brief in support of a Petition for Writ of Habeas Corpus in *Hutto v. Cain*, Civil Action No. 3:20-cv-99-DPJ, in the United States Court of Appeals for the Southern District of Mississippi (capital case).

- Trial in a civil case that began on September 23. *Tillman v. Ritchey Jackson LLC et al*, Civil Action No. 25CO1:24-cv-02796, in the County Court of Hinds County, Mississippi.

- Counsel has had numerous other previously scheduled commitments in civil cases occurring between the Fifth Circuit's rehearing denial and the current deadline to file a Petition for rehearing, including taking or

defending nine depositions, and expert designation deadlines in three cases.

9. Counsel for Respondent consented to the requested extension.

10. The opinion of the Court of Appeals is attached as Exhibit A, and the order denying rehearing is attached as Exhibit B to this Application.

For these reasons, Counsel respectfully requests that the time to file a petition for a writ of certiorari be extended to and include December 24, 2026.

Respectfully submitted,

s/ Caroline K. Ivanov
CAROLINE K. IVANOV
Counsel of Record

Counsel for Applicant Jason Lee Keller

November 2, 2026

CERTIFICATE OF SERVICE

I certify I filed the foregoing using the Court's electronic filing system, and served a true and correct copy via email to counsel for the Respondent:

LaDonna C. Holland, Special Assistant Attorney General
P O Box 220
Jackson, MS 39205-0220
LaDonna.Holland@ago.ms.gov

This the 2nd day of November, 2026.

s/Caroline K. Ivanov
COUNSEL FOR APPLICANT