No. _____

IN THE SUPREME COURT OF THE UNITED STATES

TAIRAN SHI, BLADE BAI, and BOWEN HU,

APPLICANTS,

vs.

UNITED STATES OF AMERICA.

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

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To the Honorable Elena Kagan, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicants Tairan Shi, Blade Bai, and Bowen Hu respectfully request a 60-day extension of time, to and including February 22, 2027, within which to file a petition for a writ of certiorari. The United States Court of Appeals for the Ninth Circuit issued its opinions on July 2, 2026. Copies of those opinions are attached as Exhibits A and B. The Ninth Circuit denied Applicants' timely petition for rehearing en banc on September 23, 2026. A copy of the order denying rehearing is attached as Exhibit C. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on December 22, 2026. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case by the Applicants.

3. This case seeks review of an important and recurring question concerning "deliberate ignorance": whether a defendant's mere failure to investigate can establish deliberate efforts to avoid learning the truth.

4. This question has divided the courts of appeals. In a long line of decisions, the Ninth Circuit has repeatedly held that the government can prove knowledge via a deliberate ignorance theory merely by pointing to a defendant's "failure to investigate." *United States v. Ramos-Atondo*, 732 F.3d 1113, 1119 (9th Cir. 2013); *see also United States v. Walter-Eze*, 869 F.3d 891, 909 (9th Cir. 2017) (reasonable

jury can infer knowledge where defendant "deliberately failed to investigate while being aware of a high probability of the fraud"); *United States v. Yi*, 704 F.3d 800, 805 (9th Cir. 2013) ("failing to read documents common to real estate transactions" sufficient to establish deliberate ignorance). By contrast—following this Court's guidance in *Global-Tech Appliances, Inc. v. SEB S.A.*, 563 U.S. 754 (2011)—the Seventh Circuit holds that proof of deliberate ignorance requires proof of "deliberate *actions* to avoid learning [a] fact." *United States v. Macias*, 786 F.3d 1060, 1062 (7th Cir. 2015) (quoting *Global-Tech*, 563 U.S. at 769 and adding emphasis). Other circuits likewise require more than mere failure to investigate to establish deliberate ignorance. *See, e.g.*, *United States v. Chavez-Alvarez*, 594 F.3d 1062, 1067 (8th Cir. 2010) (deliberate ignorance requires proof of "inten[t] to remain ignorant" through deliberate failure to investigate); *United States v. Delgado*, 631 F.3d 685, 707-08 (5th Cir. 2012) ("It is not enough that the defendant merely failed to investigate; rather the evidence must show that the 'defendant deliberately avoided knowledge of the crime being committed by cutting off his curiosity through effort of the will.'" (quoting *United States v. Leahy*, 464 F.3d 773, 796 (7th Cir. 2006))), *rev'd on other grounds by* 672 F.3d 320 (5th Cir. 2012) (en banc); *see also United States v. Carrillo*, 435 F.3d 767, 780 (7th Cir. 2006) (There must be "a mental act—'a cutting off of one's normal curiosity by an effort of will.'" (quoting *United States v. Giovannetti*, 919 F.2d 1223, 1229 (7th Cir. 1990))).

5. This case cleanly presents the question whether the government can prove knowledge via deliberate ignorance merely based on a defendant's failure to

investigate. Applicants all challenged the court's decision to give a deliberate ignorance instruction. Applicants specifically argued that the government presented insufficient evidence of their active or purposeful efforts to avoid learning the truth to justify giving the deliberate ignorance instruction in this case. And the court of appeals addressed this issue on the merits, doubling down on the Ninth Circuit's settled view that the government may prove knowledge via deliberate ignorance merely by pointing to a defendant's failure to investigate, without further establishing active or purposeful efforts to avoid learning the truth.

6. The deliberate-ignorance question Applicants will present warrants this Court's review. The Ninth Circuit's approach to deliberate ignorance traduces "willful blindness['s] . . . appropriately limited scope" by allowing verdicts predicated on deliberate ignorance to stand even where there is no evidence that the defendant actively or purposefully avoided learning the critical facts. *Global-Tech*, 563 U.S. at 769. It also deepens an entrenched circuit split over the proper scope of deliberate ignorance—a theory of liability that applies broadly across the federal criminal code.

7. Applicants respectfully request a 60-day extension of time to file a petition for writ of certiorari. A 60-day extension would allow counsel sufficient time to review the record and research the circuit-conflict and deliberate-ignorance issues through the lens of certiorari review, to coordinate with co-defendants' counsel, and to prepare a competent petition for certiorari. The record of these cases is voluminous and—while counsel has briefed these issues before the Ninth Circuit—

developing them for certiorari review will require significant additional analysis and review. Additionally, counsel of record has numerous other case obligations in Ninth Circuit cases to which he is appointed under the Criminal Justice Act. These obligations include a brief on cross-appeal in a trial appeal due on November 2, 2026, a petition for certiorari due on November 11, 2026, and an opening brief in a trial appeal due November 30, 2026. Counsel of record also represents two defendants who received life sentences in appeals arising from two multi-week trials. A 60-day extension of time will enable counsel to properly balance these obligations and prepare a petition that will be of assistance to the Court.

8. This request is made in good faith and not for purposes of delay.

Wherefore, Applicants respectfully request that the time to file a petition for a writ of certiorari be extended to and including February 22, 2027.

Date: October 28, 2026

Respectfully submitted,

s/Miles Pope

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