In the Supreme Court of the United States

No. _____

MICHAEL J. MADIGAN, *Applicant*

v.

UNITED STATES OF AMERICA.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

To the Honorable Amy Coney Barrett
Associate Justice of the United States
and Circuit Justice for the Seventh Circuit

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for above-captioned applicant, Michael J. Madigan, respectfully requests a 30-day extension of time, to and including August 26, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case. The court of appeals entered its judgment on April 27, 2026. Unless extended, the time for filing a petition for a writ of certiorari will expire on July 27, 2026. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. This case concerns several important and recurring questions regarding the scope of federal bribery law under 18 U.S.C. § 666 and 18 U.S.C. § 201(a)(3), as construed by this Court in *Snyder v. United States*, 603 U.S. 1 (2024), and *McDonnell v. United States*, 579 U.S. 550 (2016). Applicant Michael J. Madigan, the former Speaker of the Illinois House of Representatives, was convicted of federal-program bribery under § 666, honest-services wire fraud under 18 U.S.C. §§ 1343 and 1346, and Travel Act offenses under 18 U.S.C. § 1952, arising from two alleged bribery schemes. The Seventh Circuit affirmed.

2. The petition will present several questions, including: (1) whether a public official acts "corruptly" under § 666(a)(1)(B) merely because he understands the alleged bribe-giver's intent to influence or reward the official in connection with his official duties; (2) whether future, unidentified legislation affecting a company's financial struggles is a "question or matter" under 18 U.S.C. § 201(a)(3); and (3) whether a legislator's promised job recommendation to a governor constitutes an "official act" under 18 U.S.C. § 201(a)(3). These questions are exceptionally important because they implicate the line between lawful political activity and federal criminal liability for millions of state and local officials and their constituents.

3. On the first question, the Seventh Circuit stands alone in defining "corruptly" by reference to the bribe-giver's intent rather than the official's own consciousness of wrongdoing—a split the Second Circuit has expressly recognized. *See United States v. Ford*, 435 F.3d 204, 211-14 (2d Cir. 2006). The Second, Ninth, and Eleventh Circuits all define "corruptly" to require that the official acted with the purpose of accomplishing an unlawful end or result. *See United States v. Ng Lap Seng*, 934 F.3d 110, 142 (2d Cir. 2019); *Martinez-de Ryan v. Whitaker*, 909 F.3d 274, 250 (9th Cir. 2018); *United States v. McNair*, 605 F.3d 1152, 1188, 1193 (11th Cir. 2010).

4. On the second question, the decision below breaks from the consensus of four circuits by permitting conviction based on a supposed promise to help a company in unidentified ways with its "struggle to control its energy rates" across nearly a decade—a formulation so broad it cannot "be put on an agenda, tracked for progress, and then checked off as complete." *McDonnell*, 579 U.S. at 570; *see United States v. Silver*, 948 F.3d 538, 568 (2d Cir. 2020); *United States v. Hills*, 27 F.4th 1155, 1179 (6th Cir. 2022); *United States v. Burnette*, 65 F.4th 591, 613-14 (11th Cir. 2023) (Jordan, Rosenbaum, and Newsom, JJ. concurring); *United States v. Roberson*, 998 F.3d 1237, 1251 (11th Cir. 2021); *United States v. De Moya*, --- F.3d ---, 2026 WL 1955627, at *4-5 (D.C. Cir. 2026).

5. On the third question, the decision below eviscerates *McDonnell*'s distinction between permissible support and impermissible pressure or advice by treating a promised recommendation that never occurred as an official act under § 201(a)(3). Lower courts have struggled to administer *McDonnell*'s distinction between permissible expressions of

support and criminal "pressure or advice" under § 201(a)(3). *See United States v. Fattah*, 914 F.3d 112, 156 (3d Cir. 2019); *Roberson*, 998 F.3d at 1254; *United States v. Lee*, 919 F.3d 340, 360 (6th Cir. 2019) (Nalbandian, J., concurring). The Seventh Circuit's decision exacerbates that confusion by treating a contemplated job recommendation that was never communicated as an "official act."

6. Counsel respectfully requests a 30-day extension of time, to and including August 26, 2026, within which to file a petition for a writ of certiorari. As explained above, this case raises significant questions about the scope of federal bribery laws. An extension would allow counsel time to analyze the issues presented, review the record, and prepare the petition for filing. Undersigned counsel has been occupied with deadlines in other matters since the Seventh Circuit issued its opinion. In addition, applicant's counsel have other competing deadlines in the coming weeks, including oral argument in *Bean Maine Lobster, Inc. v. Monterey Bay Aquarium Foundation*, Nos. 25-1206, 25-1772 (1st Cir.), on July 27, 2026 (the current due date for the petition), and other non-public pending matters that will occupy a significant portion of time in the coming weeks.

7. In addition, applicant's incarceration poses logistical challenges that necessitate additional time, as counsel need to send drafts to applicant by mail and confer with applicant regarding the petition.

8. No prejudice will result from the requested extension.

Respectfully submitted,

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