

**IN THE SUPREME COURT OF THE UNITED STATES**

No. \_\_\_\_\_

THOMAS OSADZINSKI, Applicant

v.

UNITED STATES OF AMERICA, Respondent

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**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 SEVENTH CIRCUIT**

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**To the Honorable Amy Coney Barrett  
Justice of the United States Supreme Court and  
Circuit Justice for the Seventh Circuit**

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Applicant Thomas Osadzinski, by his counsel, pursuant to Supreme Court Rules 13.5 and 30.2, requests an extension of time of sixty (60) days, up to and including August 26, 2024, for the filing of a Petition for a Writ of Certiorari to review the decision of the Seventh Circuit Court of Appeals, in *United States v. Osadzinski*, 97 F. 4<sup>th</sup> 484 (2024), dated March 28, 2024. A copy of the opinion is attached as Exhibit A.

1. The jurisdiction of this Court is based on 28 U.S.C. §1254(1).
2. The date within which a Petition for Writ of Certiorari would be due, if not extended, is June 27, 2024.
3. The Applicant seeks review of the decision of the Seventh Circuit Court of Appeals, affirming his conviction in a criminal case.
4. The Applicant is incarcerated.
5. The Petitioner was convicted of attempting to provide material support, in violation of 18 U.S.C. §2339(B)(a)(1). In both the trial court and on appeal, he argued he was engaged in lawful First Amendment conduct. Petitioner had relied upon the safe harbor built into the material support statute, which provides that nothing in the materials support statute “shall be construed or applied” to abridge an individual’s First Amendment rights. 18 U.S.C. §2339B(i).
6. Petitioner at the time was a twenty-year old college student and United States citizen who modified a computer program that copied and saved digital media, including videos and other material that had been publicly posted by the Islamic State in Iraq and Syria (“ISIS”), a designated foreign terrorist organization.

Petitioner never had any contact with any ISIS member or provided the program to any member.

7. In *Holder v. Humanitarian Law Project* (“HLP”), 561 U.S. 1 (2010), this Court confirmed that individuals may independently support and advocate for foreign terrorist organizations, without providing illegal material support in violation of 18 U.S.C. §2339B. This Court held that only a narrow category of support, that which is done in coordination with or at the direction of the terrorist organization was unlawful. The Court held individuals who acted independently could freely advance the goals and objectives of the terrorist organization.

8. The conviction here raises the question whether a citizen who views and shares a foreign terrorist organization’s media can *ever* independently engage in the First Amendment-related advocacy or support this Court expressly permitted in *Holder v. Humanitarian Law Project*, or if any such advocacy or support is inherently an “attempt” at acting under the direction of or in coordination with the foreign terrorist organization.

9. There is good cause for this request for more time. Applicant’s counsel works at a small firm, consisting of only himself and one associate.

10. Applicant’s counsel has had multiple other matters since the Appellate Court entered its decision that have required extensive time. In addition, he is consulting with additional counsel.

11. Due to the complexity of the issue, the Petition will require extensive work by Applicant’s counsel, and others.

12. If extended, the Petition would be due on August 26, 2024.

WHEREFORE, Applicant THOMAS OSADZINSKI respectfully requests that this Honorable Court grant his Application for Extension of Time to File a Petition for Writ of Certiorari to the Seventh Circuit Court of Appeals and allow Applicant an extension of time, up to and including August 26, 2024, within which to file his Petition for Writ of Certiorari, and for any other relief this Court finds fair and just.

Respectfully submitted,



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June 12, 2024

**PROOF OF SERVICE**

Pursuant to the Rules of the Supreme Court of the United States, Rule 29, the undersigned certifies that the following document, *Application for Extension of Time to File a Petition for Writ of Certiorari to the Supreme Court from the State of Illinois*, was served via email and U.S. Mail on the following parties on June 12, 2024.

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By:

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