

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

July Term, 2024

UNITED STATES OF AMERICA,
Appellee,

v.

AKMAL NARZIKULOV,
Defendant-Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI PURSUANT TO
RULE 13(5)**

To the Honorable Sonia Sotomayor, Chief Justice of the United States Supreme Court
and Circuit Justice to the Second Circuit:

1. Petitioner, Akmal Narzikulov, pursuant to Rule 13(5), Rules of the Supreme Court, respectfully seeks a sixty (60) day extension of time within which to file his petition for writ of *certiorari* in this Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257. This application is submitted more than ten (10) days prior to the scheduled filing date for the Petition.

The pertinent dates are:

a. October 6, 2023: Brief and Special appendix filed on behalf of Appellant Akmal Narzikulov.

b. January 5, 2024: Brief filed on behalf of Appellee USA.

- c. **January 26, 2024:** Reply brief filed on behalf of Appellant Akmal Narzikulov.
- d. **May 16, 2024:** Issuance of Summary Order and Judgment of United States Court of Appeals for the Second Circuit.
- e. **August 4, 2024:** Deadline for seeking extension of time within which to file a petition for writ of *certiorari* in the United States Supreme Court.
- f. **August 14, 2024:** Expiration of time for filing a petition for writ of *certiorari* in the United States Supreme Court, unless extended.

2. This is a complex case in which Akmal Narzikulov was convicted of Conspiracy to Unlawfully Produce Identification Documents, Conspiracy to Commit Kidnaping, Kidnaping, Conspiracy to Commit Hobbs Act Extortion, Hobbs Act Extortion, Threatening Physical Violence in Furtherance of a Plan to Extort, and Conspiracy to Commit Witness Tampering. *See USA v. Narzikulov*, Docket No. 19-cr-223-BMC-1, Document 409 (affirming convictions). Petitioner's efforts to obtain post-conviction relief have thus far been unsuccessful. *See United States v. Narzikulov*, Docket No. 22-3153.

3. On December 15, 2022, The Honorable Brian M. Cogan made a formal recommendation to the Attorney General to keep Appellant Akmal Narzikulov at MDC Brooklyn pending his appeal to The Second Circuit. However, two weeks after Mr. Narzikulov was sentenced, the Federal Bureau of Prisons transferred him to Ray Brook FCI, New York State, then to FCI Berlin in New Hampshire. During his appeal I had to travel by airplane from Newark to Maine, and then drive to New Hampshire to be able to meet with Mr. Narzikulov. After his appeal, Mr. Narzikulov was transferred to FCI Victorville Medium II in San Bernardino, California. Due to the time zone difference and protocols of the jail, it has been extremely difficult to speak to the

Appellant to discuss the *certiorari* petition and receive his input. Additionally, Mr. Narzikulov's primary language is Uzbek. I must work with a CJA approved Uzbek interpreter to communicate with Mr. Narzikulov properly. Counsel is also under extreme time constraints because I will be starting a seven-week murder trial in Brooklyn Supreme Court on September 3, 2024 (*The People of the State of New York v. Kelvin Philp – 600-20*). Consequently, the communication difficulties with my client in California as well as the close proximity of my trial in September make it difficult to meet the August 14th deadline.

4. Counsel for Petitioner intends to ask this Court to grant review of the Second Circuit's decision not finding a due process violation under the fifth amendment where clearly perjured testimony was admitted into the trial by the government by two cooperating witnesses. Thus, depriving Mr. Narzikulov of a fair trial as per the Supreme Court's decision in *Jackson v. Virginia*, 443 U.S. 307, 318, 99 S. Ct. 2781, 61 L.Ed.2d 560 (1979). "See *Jackson*, 443 U.S. at 318, 99 S. Ct. at 2788-89 (explaining that "the critical inquiry on [sufficiency] review . . . [is] whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt" (emphasis added)).

5. Opposing Counsel, Assistant United States Attorneys Turner Buford and Anthony Bagnuola, have no objection to this motion.

For the foregoing reasons, the Petitioner, who is indigent and incarcerated in FCI Victorville Medium II, San Bernardino, California, respectfully prays that this Court grant an extension of sixty (60) days to and including October 13, 2024, within which to file his petition for writ of *certiorari*.

Respectfully submitted, this the 24th day of July 2024.

/s/ Peter J. Guadagnino
Peter J. Guadagnino
Counsel of Record for Akmal Narzikulov
30 Wall Street, 8th Floor
New York, New York 10005
Email: Guadlaw@gmail.com
(212) 709-8099
NY State Bar No.: 2742781

CERTIFICATE OF SERVICE

I, Peter Guadagnino, certify that I have this day served the foregoing Motion for Extension of Time to file Petition for Writ of Certiorari by first-class mail, postage prepaid, addressed to Turner Buford and Anthony Bagnuola, Assistant United States Attorneys, 271A Cadman Plaza East, Brooklyn, NY 11201.

This the 24th day of July, 2024.

/s/ Peter J. Guadagnino

Peter Guadagnino