

No. _____

In the Supreme Court of the United States

THOMAS JOHN BOUKAMP,
PETITIONER,

v.

UNITED STATES OF AMERICA,
RESPONDENT,

PETITIONER'S APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

To: The Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Fifth Circuit.

Pursuant to Title 28, United States Code, Section 2101(c) and Supreme Court Rule 13.5, Petitioner Thomas John Boukamp respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be extended for 30 days, to and including, October 23, 2024.

Basis for Jurisdiction

The district court had original jurisdiction over this criminal action pursuant to 18 U.S.C. § 3231. A jury convicted Mr. Boukamp of 16 counts, including Cyber Stalking, Enticement and Attempted Enticement, and Travel with Intent to Engage in Illicit Sexual Conduct. The district court sentenced him to imprisonment for life. The Fifth Circuit affirmed the conviction and sentence in a published opinion filed on June 25, 2024. App. 1a–51a. This Court has the power to grant or deny this motion

pursuant to 28 U.S.C. § 2101(c), and it will have jurisdiction to review the Fifth Circuit’s judgment under 28 U.S.C. § 1254(1).

Judgment to be Reviewed and Opinion Below

The Fifth Circuit’s panel opinion is published at *United States v. Boukamp*, 105 F.4th 717 (5th Cir. 2024), reprinted on pages 1a–51a of the appendix.

Reasons for Granting an Extension

Good cause exists for this extension request. This case presents an important competency-to-stand-trial question: does the “rational understanding” component of the *Dusky* competency standard mean that a defendant must be capable of making objectively favorable or rational choices? *See Dusky v. United States*, 362 U.S. 402 (1960). The Fifth Circuit held it does not. Rather, “favorability is in the eye of the defendant.” *Boukamp*, 105 F.4th at 731. So long as the defendant follows a course of action that he feels is favorable, he is competent to stand trial. *Id.* at 732. This published holding is the Fifth Circuit’s most detailed look at the “rational understanding” component and an unprecedented application of this Court’s competency jurisprudence. *See Godinez v. Moran*, 509 U.S. 389, 398 & n.9 (1993) (noting that “rational understanding” is equal to the capacity to make a “reasoned choice” or “rational choice”); *Rees v. Peyton*, 384 U.S. 312, 314 (1966) (per curiam) (holding death row prisoner must have the capacity “to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation); *Cooper v. Oklahoma*, 517 U.S. 348, 364 (1996) (stating the defendant must be competent to make the “profound” choice of whether to plead guilty, testify, decline

cross-examination, as well as “to make myriad smaller decisions concerning the course of his defense”). It is also among the first decisions to apply the competency standard to a developmental disability like autism spectrum disorder. *See Boukamp*, 105 F.4th at 732. This will be a recurring issue in criminal cases and this Petition requires extensive research and preparation.

Undersigned counsel also has a number of pressing deadlines around the time of the Petition’s current deadline, including the Appellant’s Brief in *United States v. Campos*, Fifth Circuit Case No. 24-10117, on July 26, 2024; the Reply Brief in *Dunklin v. State*, Texas Seventh Court of Appeals Case No. 07-23-00443-CR, on August 9, 2024; the Appellant’s Brief in *United States v. Farris*, Fifth Circuit Case No. 24-10465, on August 12, 2024; the Appellant’s Brief in *United States v. Johnson*, Fifth Circuit Case No. 24-10231, on August 28, 2024; the Petition for a Writ of Certiorari in *Brown v. United States*, Fifth Circuit Case No. 23-50222, on September 3, 2024; and the Reply in Support of the 28 U.S.C. § 2255 Motion in *Okunoghae v. United States*, EDTX Case No. 5:24-CV-54, on September 3, 2024.

CONCLUSION

For all these reasons, Petitioner respectfully requests that the Court extend the deadline to file a Petition for Certiorari to October 23, 2024.

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