IN THE

SUPREME COURT OF THE UNITED STATES

JARRELL R. BORDEAUX
Petitioner

VS.

CASE NO. _____

UNITED STATES OF AMERICA
Respondent

MOTION FOR EXTENSION OF TIME

Comes Now, Petitioner JARRELL R. BORDEAUX, and respectfully moves the court to grant a 60 day extension of time, or until FEBRUARY 21, 2025 in the interest of Justice, to file Petition For WRIT OF CERTIORARI.

THIS request is made for following reasons:

1) Petitioner is neither a bar certified attorney nor a paralegal specialist. It is well established that PRO SE litigants are held to far less stridgent legal standards than attorneys, see ERICKSON v. PARDUS, 551 U.S. 89, 94 (2007) and HAINES v. KERNER, 404 U.S. 519 (1972).
2) Petitioner is incarcerated at FCI-Bennettsville, and is without Case file (in its entirety) and/or resources to review
3) Appellate Court did not Consider Pro SE BRIEF

and DENIED REHEARING without reason.

ERGO, the requested additional time is needed to draft and perfect a legally adequate and sufficient Certiorari Petition.

Accordingly, the forgoing MOTION FOR EXTENSION OF TIME should be GRANTED and petitioner given until February 21, 2025 to file the requested Writ.

NOVEMBER 29, 2024

Respectfully Submitted,

JARRELL R. BOUDEAUX

CERTIFICATE OF SERVICE

I, JARRELL R. BORDEAUX, do hereby certify that I am an inmate at the Federal Correctional Institutial Bennettsville, P.O. Box 52020, Bennettsville, SC 29512 and on December 02 2024, I served true and correct copies of the following:

1) MOTION FOR EXTENSION OF TIME

TO THE appropriate prison authorities for service via the internal legal mail system for delivery to the person(s) and address(es) listed below:

Office of the Clerk
United STATES Supreme Court
1 First STreet, N.E.
WASHINGTON, DC 20543

JARRELL R. BORDEAUX
Reg. # 10976-509

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4346

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JARRELL RAESHON BORDEAUX,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina Raleigh. Richard E. Myers, II, Chief District Judge. (5:20-cr-00428-M-1)

Submitted: August 22, 2024 Decided: August 26, 2(

Before WILKINSON, WYNN, and RICHARDSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Louis H. Lang, CALLISON, TIGHE & ROBINSON, LLC, Columbia, So Carolina, for Appellant. David A. Bragdon, Assistant United States Attorney, Kristine Fritz, Assistant United States Attorney, OFFICE OF THE UNITED STAT ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Following a three-day trial, a jury convicted Jarrell Raeshon Bordeaux of conspira to distribute and possess with intent to distribute 100 grams or more of heroin and 4 grams or more of fentanyl, in violation of 21 U.S.C. §§ 841(a)(1), 846, ten substanti counts of distributing unspecified quantities of heroin and fentanyl, in violation of U.S.C. § 841(a)(1), possession with intent to distribute 100 grams or more of heroin a 40 grams or more of fentanyl, in violation of 21 U.S.C. § 841(a)(1), and possession o firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A The district court subsequently imposed an aggregate 248-month downward varia sentence. On appeal, Bordeaux's counsel has filed a brief pursuant to *Anders v. Californi* 386 U.S. 738 (1967), conceding that there are no potentially meritorious issues for appe but questioning several aspects of the proceedings below. Although advised of his right file a pro se supplemental brief, Bordeaux has not done so. The Government has declin to file a response brief. For the reasons explained below, we affirm the district cour judgment.

First, counsel argues that the superseding indictment was legally insufficient as the conspiracy count because it did not specifically allege that Bordeaux had an agreeme to distribute narcotics with two or more persons. In considering this argument, the distr court relied on our unpublished decision in *United States v. Black*, 133 F.3d 917, 1997 W 787090, at *1 (4th Cir. 1997) (table), to hold that the indictment was sufficient because alleged a conspiracy to distribute drugs; the relevant time frame, place, and drugs involve and cited the statute allegedly violated. "We review the district court's factual findings

a motion to dismiss an indictment for clear error, but we review its legal conclusions novo." *United States v. Perry*, 757 F.3d 166, 171 (4th Cir. 2014) (internal quotation mai omitted).

Upon review, we agree with the district court's legal holding as it is consistent w the rationale expressed in *Black*. Notably, the conspiracy count charged Bordeaux w violating 21 U.S.C. §§ 841(a)(1), 846 by conspiring and agreeing to distribute and poss with intent to distribute certain quantities of heroin and fentanyl, in the Eastern District North Carolina and elsewhere, from October 2019 through on or about June 30, 2020. T court's rationale is also supported by persuasive sister circuit authority. Specifically, the district court explained, the indictment was not legally insufficient—despite i alleging that Bordeaux "conspired with persons known and unknown"—because "the wo 'conspiracy' incorporates within its definition an agreement with another person." (E 1842)*; *see United States v. Thomas*, 348 F.3d 78, 83-84 (5th Cir. 2003) (holding tl indictment was sufficient "because the involvement of another person acting in conc with [the defendant] is implicit in the use of the words 'combine, conspire, a confederate'" as stated in the indictment, and the evidence at trial showed that t defendant conspired with another person). We thus reject this assignment of error.

Bordeaux next questions whether sufficient evidence supports his conspira conviction. "We review the denial of a motion for judgment of acquittal de novo." *Uni States v. Savage*, 885 F.3d 212, 219 (4th Cir. 2018). In assessing the sufficiency of t

* Citations to the "E.R." refer to the compiled Electronic Record.

evidence, we determine whether there is substantial evidence to support the convicti when viewed in the light most favorable to the Government. *Id.* "Substantial evidence evidence that a reasonable finder of fact could accept as adequate and sufficient to supp a conclusion of a defendant's guilt beyond a reasonable doubt." *United States Rodriguez-Soriano*, 931 F.3d 281, 286 (4th Cir. 2019) (cleaned up). In making th determination, we may not resolve conflicts in the evidence or evaluate witness credibili *Savage*, 885 F.3d at 219. "A defendant who brings a sufficiency challenge bears a hea burden, as appellate reversal on grounds of insufficient evidence is confined to cases whe the prosecution's failure is clear." *Id.* (internal quotation marks omitted).

To convict Bordeaux of conspiracy to distribute the specified quantities of herc and fentanyl, the Government had to prove each of the following elements beyond reasonable doubt: (1) there was an agreement between two or more persons to posse with intent to distribute the charged narcotics; (2) Bordeaux knew of this agreement conspiracy; and (3) Bordeaux knowingly and voluntarily participated in or became a p of this agreement or conspiracy. *United States v. Green*, 599 F.3d 360, 367 (4th Cir. 201 *United States v. Burgos*, 94 F.3d 849, 857 (4th Cir. 1996) (en banc).

As to the first element—which is (and was) the only element in dispute—the tr transcript confirms that, during the underlying investigation, Bordeaux made statements both the involved confidential informant and the lead detective that proved that Bordea received the drugs he sold from an unidentified third party. Moreover, evidence of defendant buying or selling a substantial quantity of drugs over a short period of time enough to raise an inference of a distribution conspiracy, *United States v. Reid*, 523 F.

310, 317 (4th Cir. 2008), and the Government's evidence established that Bordeaux s approximately 260 grams of heroin and fentanyl to the confidential informant over charged period. On this record, we readily conclude that the Government satisfied burden of proof as to the conspiracy count.

Finally, Bordeaux assigns error to the court's rejection of his motions to suppr evidence seized from his residence and a storage unit pursuant to search warrants and reconsideration of that ruling, both of which posited that police officers made fa statements in their warrant applications. In evaluating the denial of a motion to suppre "we review that court's legal conclusions de novo and its factual findings for clear err considering the evidence in the light most favorable to the government." *United State Kolsuz*, 890 F.3d 133, 141-42 (4th Cir. 2018).

A defendant is entitled to attack an otherwise facially valid search warrant affida under the "narrow exception" created in *Franks v. Delaware*, 438 U.S. 154 (1978). " obtain a *Franks* hearing, a defendant must make a substantial preliminary showing that affiant made (1) a false statement (2) knowingly and intentionally, or with reckl disregard for the truth that was (3) necessary to the finding of probable cause." *Uni States v. White*, 850 F.3d 667, 673 (4th Cir. 2017) (internal quotation marks omitted). Up review of the orders, we agree with the district court that nothing in either motion justifi a *Franks* hearing because, at bottom, Bordeaux did not explain the basis for his multi assertions of falsity or make a sufficient showing that the officers acting knowingly intentionally or with a reckless disregard for the truth. We thus affirm the denial Bordeaux's initial motion to suppress and find no abuse of discretion in the court declini

to reconsider that ruling. *See United States v. Dickerson*, 166 F.3d 667, 677-78 (4th C 1999) (providing standard of review for denial of motion to reconsider previous adjudicated motion to suppress), *rev'd on other grounds*, 530 U.S. 428 (2000).

In accordance with *Anders*, we have reviewed the entire record in this case for a potentially meritorious issues and have found none. We therefore affirm the district court judgment. This court requires that counsel inform Bordeaux, in writing, of the right petition the Supreme Court of the United States for further review. If Bordeaux reques that a petition be filed, but counsel believes that such a petition would be frivolous, th counsel may move in this court for leave to withdraw from representation. Counsel motion must state that a copy thereof was served on Bordeaux.

We dispense with oral argument because the facts and legal contentions a adequately presented in the materials before this court and argument would not aid t decisional process.

AFFIRMEL

FILED: September 24, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4346
(5:20-cr-00428-M-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JARRELL RAESHON BORDEAUX

Defendant - Appellant

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wilkinson, Judge Wynn, and Judge Richardson.

For the Court

/s/ Nwamaka Anowi, Clerk