
IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

UNITED STATES OF AMERICA,
Appellee

v.

DZHOKHAR A. TSARNAEV,
Defendant-Appellant.

No. 16-6001

**MOTION FOR EXTENSION OF TIME TO FILE
A PETITION FOR REHEARING OR FOR REHEARING EN BANC**

The United States respectfully moves for a 30-day extension of time, to and including September 14, 2020, within which to file a petition for rehearing or for rehearing en banc in this case. A petition is currently due August 14, 2020. The reasons for this request are as follows:

1. Dzhokhar Tsarnaev “detonated two homemade bombs at the 2013 Boston Marathon, thus committing one of the worst domestic terrorist attacks since the 9/11 atrocities.” Slip Op. 3. Following a 17-day trial, a jury found Tsarnaev guilty on 30 counts, including multiple counts of using a weapon of mass destruction resulting in death, bombing a place of public use resulting in death, maliciously destroying property resulting in death, and using a firearm

to commit murder during and in relation to a crime of violence. Following a separate penalty proceeding, petitioner was sentenced to death on six counts and to life imprisonment on many others.

2. On July 31, 2020, this Court issued an opinion reversing Tsarnaev's convictions on three counts and affirming his convictions on all remaining counts. The Court also vacated his death sentences and remanded for a new penalty proceeding. The Court's vacatur of Tsarnaev's death sentences rested on its determination that the district court (a) violated a supervisory rule of this Court by not asking certain questions during voir dire, and (b) improperly excluded information about unrelated murders that Tsarnaev sought to introduce as mitigating evidence during the penalty proceeding.

3. A petition for panel rehearing or rehearing en banc would be due without extension on August 14, 2020. *See* Fed. R. App. P. 40(a)(1).

4. The decision whether to seek rehearing en banc is entrusted to the Solicitor General of the United States. 28 C.F.R. § 0.20(b). The process of determining whether to seek further review takes time, particularly in a case of this magnitude, because it requires input from various components within the Department of Justice. Additional time is needed to make the decision in this case.

5. Deirdre von Dornum, counsel for Tsarnaev, does not object to this request.

Wherefore, the United States respectfully requests that the Court extend the time to file a petition for rehearing or for rehearing en banc until September 14, 2020.

Respectfully submitted,

s/ William A. Glaser
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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 389 words.

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s/ William A. Glaser
WILLIAM A. GLASER

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2020, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ William A. Glaser
WILLIAM A. GLASER