

Case No. 24-30043

**In The
United States Court of Appeals
For The Fifth Circuit**

**UNITED STATES OF AMERICA,
Plaintiff - Appellee**

v.

**GEORGE PETERSON,
Defendant - Appellant**

**Appeal From The United States District Court
For The Eastern District Of Louisiana**

**Honorable Jay C. Zainey, District Judge
Criminal Docket No. 22-231, Section "A"**

**APPELLEE'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE PETITION FOR REHEARING EN BANC**

The United States of America, plaintiff-appellee, moves this Court under Rules 26(b), 27(a), and 40(d)(1) and (4) of the Federal Rules of Appellate Procedure, and under Fifth Circuit Rule 40.2.4, for a 14-day extension of time in which to file its response to defendant-appellant George Peterson's petition for rehearing en banc in this matter and represents as follows:

On August 27, 2025, this Court issued a precedential opinion in this matter affirming the decision of the district court's denial of Peterson's motion to dismiss and its denial of his motion to suppress. Doc. 151. On September 10, 2025, defendant-appellant George Peterson filed a petition for rehearing en banc. Doc. 156. Two days later, this Court directed the government to respond to the petition by September 22, 2025. Doc. 159. On September 17, 2025, amicus counsel moved to file an Amicus Curiae Brief on September 17, 2025, Doc. 164, which the Court granted the next day. Doc. 169.

The government requests an additional 14 days to file its response in this matter. This would allow an opportunity to fully address the issues and, if needed, time to consult with the Department of Justice considering the government's position.

The government has following cases set for briefing:

Keelen, Miguel, 25-30111 – gov't brief due on 09/24/25
Augillard, Julius, 25-30192 – gov't brief due on 09/29/25
Akula, Shiva, 24-30315 – gov't brief due on 10/02/25
Roy, Charles, 25-30285 – gov't brief due on 10/06/25
Washington, Horace, 24-30586 – gov't brief due on 10/27/25

Further, the government has until September 26, 2025, to file a petition for rehearing in *United States v. Ricky Wilson*, Appeal #: 25-30105. Additionally, the government has oral argument set in *United States v. Rayshaud Green*, Appeal #: 24-30613 for October 8, 2025.

Counsel for Peterson stated Peterson does not oppose this request.

WHEREFORE, the government, plaintiff-appellee, respectfully requests that this Court grant an extension of 14 days until October 6, 2025, to file any petition for rehearing in this matter.

Respectfully submitted,

MICHAEL M. SIMPSON
ACTING UNITED STATES ATTORNEY

/s/ Kevin G. Boitmann

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CERTIFICATE OF SERVICE AND ECF COMPLIANCE

I hereby certify that on this 22nd day of September, 2025, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. The following ECF-registered counsel of record was served by Electronic Notice of Docket Activity:

David Thompson, dthompson@cooperkirk.com

I further certify the foregoing document meets the required privacy redactions; that it is an exact copy of the paper document; and the document has been scanned with the most recent version of a commercial virus scanning program and is virus-free.

/s/ Kevin G. Boitmann

KEVIN G. BOITMANN

CERTIFICATE OF COMPLIANCE

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/s/ Kevin G. Boitmann
KEVIN G. BOITMANN
Assistant U.S. Attorney
September 22, 2025