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UNITED STATES COURT OF APPEAL
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	Ninth Cir. No. 12-30005
)	(Idaho District No. CR 10-00148
Plaintiff-Appellee,)	BLW)
)	
v.)	MOTION FOR EXTENSION
)	OF TIME TO FILE PETITION
EDGAR J. STEELE,)	<u>FOR REHEARING</u>
)	
Defendant-Appellant.)	
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Pursuant to Ninth Cir. Rule 40(a)(1), appellant Edgar Steele, through his counsel, hereby moves the Court for a single, 6-week extension of time, from November 7, 2013, to and including December 20, 2013, to file his petition for panel rehearing and/or petition for rehearing en banc in this matter.

In support of this motion, Dennis P. Riordan declares under penalty of perjury as follows:

1. This office is counsel for defendant-appellant Edgar Steele.
2. This appeal challenges Mr. Steele's convictions in the district court for use of interstate commerce facilities in commission of murder for hire, use of explosive material to commit a felony, and related offenses. He was sentenced to a term of 600 months in federal prison and is presently in custody.
3. On October 24, 2013, a three judge panel of this Court issued a published decision affirming defendant's conviction and sentence. *See United States v. Steele*, ___ F.3d ___, 2013 WL 5746409 (9th Cir. 2013).
4. The issue raised by the appeal and addressed in the Court's decision is important and complex, as disclosed by a review of the opinion itself.
5. This motion is founded on the extraordinary press of business in this office which will prevent our filing a petition for panel rehearing and/or petition for rehearing en banc by its present due date. Specifically, since October 24th, i.e., the date that the panel issued its decision, we have been required to file, and have filed, a petition for rehearing en banc as to a Ninth Circuit decision affirming our client's conviction for obstruction of justice in connection with his statements before a federal grand jury, *United States v. Bonds*, Ninth Cir. No. 11-10669; and a traverse and extensive supporting memorandum in support of a federal petition for a writ of habeas corpus challenging our client's state conviction for second degree murder

and related gang and firearm enhancements resulting in a sentence of 50 years to life in state prison, *Campos v. Biter*, No. Dist. No. CV 12 3369 SI.

6. Furthermore, on or before December 20, 2013, i.e., the requested date for the petition in this matter, we will be required to file an opening brief in support of a Ninth Circuit appeal challenging our client's district court conviction, following a jury trial, for conspiracy to violate the Sherman Anti-Trust Act, *United States v. Shiu Lung Leung*, Ninth Cir. No. 13-10242; an opening brief in support of an appeal challenging our client's state court conviction for causing injury to a child under circumstances likely to produce great bodily harm or death, resulting in a sentence of 12 years in prison, *People v. Colula*, First. Dist. No. A138407; a reply in support of an appeal challenging our client's state court convictions for entering a bank building with intent to commit check fraud and attempting to pass or use a false check, *People v. Weissman*, First App. Dist. No. A136785; a post-trial memorandum concerning possible jury misconduct and a sentencing memorandum in connection with our client's federal court convictions for placement of a destructive substance on an aircraft and several related offenses, *United States v. Ibrahim*, No. Dist. No. CR 11-0811 EMC; a federal a petition for a writ of habeas corpus challenging our client's state court convictions for sexual assault, *People v. Steinway* (CA Third App. Dist. No C057907); an opening brief in support of a

Ninth Circuit Court of Appeals challenging the district court's denial of habeas relief in connection with our client's multiple third-strike convictions for residential burglary resulting in a sentence of forty years to life in state prison, *Bui v. Hedgpeth*, Ninth Cir. No. 13-16502; and a reply in support of a Ninth Circuit appeal challenging our client's federal court convictions for conspiracy based on immigration fraud, *United States v. Sekhon, et al.*, Ninth Cir. No. 10-10485.

7. We have exercised diligence in this matter and will file the petition for rehearing on the requested date should the present motion be granted.

8. I am informed and believe that on today's date our office called Assistant United States Attorney Syrena Hargrove, appellate counsel for the United States; that Ms. Hargrove was not available to take our call; that we left her a message asking that she inform us of the government's position on this request; and that as of the time of filing this motion, we had not heard back from Ms. Hargrove.

9. For the foregoing reasons, I respectfully request that the Court grant Mr. Steele a six-week extension of time, from November 7, 2013, to and including December 20, 2013, to file his petition for rehearing and/or petition for rehearing en banc.

Executed this 31st day of October, 2013, at San Francisco, California.

/s/ Dennis P. Riordan
Dennis P. Riordan

CERTIFICATE OF SERVICE
When All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on October 31, 2013 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature: /s/ Jocilene Yue
Jocilene Yue

CERTIFICATE OF SERVICE
When Not All Case Participants are Registered for the
Appellate CM/ECF System

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature: _____
Jocilene Yue