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UNITED STATES OF AMERICA

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	C.A. No. 24-7203
)	
Plaintiff-Appellee,)	D.C. No. 1:21-CR-228-NODJ-BAM
)	(E.D. Cal., Sacramento)
v.)	
)	
BENJAMIN JOHN MARTIN,)	SECOND MOTION FOR
)	EXTENSION OF TIME
Defendant-Appellant.)	(UNOPPOSED)
)	

Pursuant to Circuit Rule 31-2.2(b), the United States requests a second, 58-day extension of time until May 15, 2026, to file its

answering brief. This unopposed motion is based on the attached declaration of Assistant U.S. Attorney Nirav K. Desai.

Dated: March 10, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

/s/ Nirav K. Desai
NIRAV K. DESAI
Assistant United States Attorney

DECLARATION

I, Nirav K. Desai, declare as follows:

1. I am an Assistant United States Attorney and Appellate Chief for the Eastern District of California and am familiar with the facts described below. From September 2025, through February 2026, I served simultaneously as the office's Appellate Chief and Executive Assistant U.S. Attorney.

2. The government's brief was initially due on either January 2, 2026, or January 9, 2026, depending on the interpretation and application of this Court's order resetting deadlines after the 2025 lapse in appropriations and resulting government shutdown. The government's brief is currently due March 18, 2026. The government has requested one previous extension of time.

3. Martin's opening brief was originally due on February 19, 2025. After the grant of four extensions of time and one resetting of the deadline, Martin was ultimately granted until October 20 to file the opening brief. The order granting the extension of time to October 20 set the due date for the answering brief as November 19, 2025. Dkt. 34.

4. Meanwhile, the lapse in appropriations caused a government shutdown that lasted between October 1 and November 13, 2025. On November 13, after the government shutdown ended, this Court issued an order resetting deadlines previously stayed due to the shutdown. Based on this November 13 order resetting deadlines, the opening brief in this case would have been due on December 10, but Martin submitted his brief for review on November 19. This Court filed Martin's brief on November 20.

5. The government requests a 58-day extension of time up to and including May 15, 2026, to file its answering brief. Despite my exercise of diligence in this matter, an extension is necessary for several reasons. First, while serving as the Executive Assistant U.S. Attorney, I was principally responsible for managing the U.S. Attorney's Office's operations both during and coming out of the government shutdown. Throughout February 2026, I worked to transition another person into that executive management role. Second, as the Appellate Chief, I have assisted with preparation and editing of numerous answering briefs, and preparation of attorneys for several oral arguments, throughout

early 2026. Third, I have been heavily involved with managing, consulting, and overseeing the district court and appellate processes for over 2,000 petitions for writs of habeas corpus in the immigration detention context, with over 1,400 petitions filed in 2026. The pace of filings accelerated in 2026, reaching approximately 100 to 200 new cases filed each week. Fourth, I lost about seven days of work in February and March due to multiple illnesses. Fifth, and most pressingly, my family is presently experiencing and managing an ongoing, dire health situation and hospitalization of a very close family member, which began March 6, 2026, and has caused (and will cause) me to miss work and non-work hours when I could otherwise work on the answering brief. Finally, given the issues in this appeal, consultation with other components within the Department of Justice will very likely be required prior to filing. I believe this extension will allow me to finish drafting and finalizing the government's answering brief for submission to this Court.

6. On March 10, 2026, I contacted Carolyn A. Stewart, Esq., Martin's attorney, and informed her of this extension request. She does not oppose this request.

7. The court reporter is not in default with regard to any designated transcript.

8. Martin is not in federal custody. He is currently on bail pending appeal.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 10th day of March, 2026.

/s/ Nirav K. Desai

NIRAV K. DESAI