

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

\_\_\_\_\_  
No. 21-2522  
\_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	Appeal from the U.S. District Court
	)	for the Northern District of Illinois,
	)	Eastern Division.
v.	)	
	)	No. 16 CR 475
TRACIE DICKEY,	)	Judge Sara L. Ellis
	)	
Defendant-Appellant.	) )	

**APPELLANT'S UNOPPOSED EMERGENCY MOTION TO CONTINUE**

**ORAL ARGUMENT**

Appellant, by and through her attorneys, respectfully move this Honorable Court, pursuant to Rules 34(b) and 47 of the Federal Rules of Appellate Procedure, and Rule 25 and 34(b)(4) of the Circuit Rules of the United States Court of Appeals for the Seventh Circuit, to continue oral argument for this matter from September 8, 2022, to a date amenable to the Court.

In support of this Motion, Appellant submit the attached Affidavit of Counsel.

Respectfully submitted,

s/ Sami Z. Azhari  
SAMI Z. AZHARI, One of the  
attorneys for Defendant-Appellant.

**Azhari LLC**  
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*Counsel for Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by 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/ Sami Z. Azhari**

**SAMI Z. AZHARI**

**AFFIDAVIT OF COUNSEL**

**SAMI Z. AZHARI**, being first duly sworn on oath, states as follows:

1. Affiant is an attorney at law licensed to practice by the Supreme Court of Illinois, and is a member in good standing of the bar of the United States District Court for the Northern District of Illinois and the United States Court of Appeals for the Seventh Circuit.

2. Affiant is the attorney who will present oral argument for the instant appeal on behalf of Appellant Tracie Dickey in this Court.

3. Oral argument on this matter is currently scheduled for September 8, 2022.

4. On August 9, 2022, counsel for Appellant submitted their argument card indicating that Affiant and co-counsel for Appellant, Kelsey H. Killion, would both be presenting oral argument. Dkt. 41.

5. Subsequently, Affiant agreed to present oral argument in the instant appeal, as co-counsel for Appellant, Michael I. Leonard and Kelsey H. Killion, are scheduled to begin trial in the Eastern District of Missouri before Judge Ross in *United States v. Norman*, Case No. 20 CR 418 on September 6, 2022. Trial in that matter is anticipated to last approximately two weeks.

6. On August 30, 2022, Affiant submitted his final argument confirmation by electronic mail, indicating that there was a change to the previously filed confirmation card.

7. The final argument confirmation indicated that only affiant would be presenting argument on the instant appeal.

8. On August 30, 2022, affiant was on a business trip in Boston and learned that his pregnant wife suffered a miscarriage.

9. In light of the situation, and the need for Affiant to be with his wife for emotional support as well as go to numerous doctors appointments, and that co-counsel will be on trial in the above cited matter in the Eastern District of Missouri in St. Louis and, Affiant submits he will not have sufficient time to sufficiently prepare for presentation of Appellant's oral argument as currently scheduled.

10. Affiant, therefore, respectfully requests that this Court continue presentment of oral argument in the instant appeal from September 8, 2022, to a date amenable to the Court.

11. Affiant has communicated this request to the attorneys for the government, who have indicated that Affiant can represent to the Court that the government has no objection to the granting of this request.

12. Affiant is unavailable for oral argument on the dates of September 13, 14, 20, 21, 26 as well as October 3,4 due to being out of state. Affiant also has a jury trial in the Northern District of Illinois the week of October 17.

12. This request is made in good faith and not for the purposes of delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

August 31, 2022

\_\_\_\_\_  
Date

*Sami Azhari*

\_\_\_\_\_  
Sami Z. Azhari