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May 25, 2024

The Honorable Clarence Thomas
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: United States v. Lorenzo Garod Pierre / 2024 WL 1070665 (11th Cir. 3/12/2024)
Application for Extension of Time to File Petition for Writ of Certiorari

Dear Justice Thomas:

I am CJA counsel for petitioner Lorenzo Garod Pierre. The deadline for filing a petition for writ of certiorari is June 10, 2024. I respectfully ask for an extension of time of thirty days to file the petition, that is, until July 10, 2024. Please find attached a copy of the Eleventh Circuit Judgment and Opinion.

There are several reasons why I am seeking this extension of time. One is that, prior to the end of this Court's term, it likely will issue a decision in *United States v. Rahimi*, No. 22-915, a case further distilling the sweep of *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). The *Pierre* case likely will be impacted by the Court's decision in *Rahimi*, albeit regarding 18 U.S.C. §922(g)(1), rather than 922(g)(8). The issues to be raised in the *Pierre* petition are complex and will also demonstrate a conflict among the circuits in this rapidly evolving area of the law. The other reasons for an extension of time have to do with the press of work. The undersigned, a sole practitioner, has had to devote substantial time to other federal criminal cases as well as serving as chairperson in numerous cases pending in the arbitration forum of the Financial Industry Regulatory Authority, Inc. Your kind consideration of this application is greatly appreciated.

Sincerely,

/ s / Martin A. Feigenbaum _____

MAF:cf

cc: Office of the Solicitor General (via email, electronic filing, and FedEx)
encl. (*United States v. Pierre*, 11th Cir. judgment and opinion)

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11604

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LORENZO GAROD PIERRE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cr-20321-JEM-1

JUDGMENT

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23-11604

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: March 12, 2024

For the Court: DAVID J. SMITH, Clerk of Court



Neutral

As of: May 24, 2024 8:23 PM Z

United States v. Pierre

United States Court of Appeals for the Eleventh Circuit

March 12, 2024, Filed

No. 23-11604 Non-Argument Calendar

Reporter

2024 U.S. App. LEXIS 5873 *; 2024 WL 1070655

UNITED STATES OF AMERICA, Plaintiff-Appellee,
versus **LORENZO GAROD PIERRE**, Defendant-
Appellant.

Notice: PLEASE REFER TO *FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1* GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Prior History: [*1] Appeal from the United States District Court for the Southern District of Florida. D.C. Docket No. 1:22-cr-20321-JEM-1.

[United States v. Pierre, 2022 U.S. Dist. LEXIS 217512, 2022 WL 17362064 \(S.D. Fla., Nov. 21, 2022\)](#)

Core Terms

firearm

Counsel: For UNITED STATES OF AMERICA, Plaintiff - Appellee: Jonathan Colan, Daniel Matzkin, Laura Thomas Rivero, U.S. Attorney Service - Southern District of Florida, U.S. Attorney Service - SFL, MIAMI, FL.

For **LORENZO GAROD PIERRE**, Defendant - Appellant: Martin Alan Feigenbaum, Martin A. Feigenbaum, Esq., SURFSIDE, FL.

Judges: Before NEWSOM, ABUDU, and ANDERSON, Circuit Judges.

Opinion

PER CURIAM:

Lorenzo Pierre appeals his conviction for possession of a firearm by a convicted felon, in violation of [18 U.S.C. § 922\(g\)\(1\)](#), arguing that [§ 922\(g\)\(1\)](#) is unconstitutional as

applied to his case, in light of [New York State Rifle & Pistol Association v. Bruen, 597 U.S. 1, 142 S. Ct. 2111, 213 L. Ed. 2d 387 \(2022\)](#), because it violates the [Second Amendment](#) and is inconsistent with this nation's tradition of firearms regulations.

In *United States v. DuBois*, No. 22-10829, manuscript op. at 9-15 (11th Cir. 2024), we explicitly rejected this argument and ruled that our prior precedent in [United States v. Rozier, 598 F.3d 768 \(11th Cir. 2010\)](#), in which we upheld the constitutionality of [§ 922\(g\)\(1\)](#), remains good law. See [Smith v. GTE Corp., 236 F.3d 1292, 1300 n.8 \(11th Cir. 2001\)](#) ("Under the well-established prior panel precedent rule of this Circuit, the holding of the first panel to address an issue is the law of this Circuit, thereby binding all subsequent panels unless and until the first panel's holding is overruled by the Court sitting en banc or by [*2] the Supreme Court." (citing [Cargill v. Turpin, 120 F.3d 1366, 1386 \(11th Cir. 1997\)](#))). As such, **Pierre's** argument fails, and his conviction is **AFFIRMED**.

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