

No.

In the Supreme Court of the United States

RONNIE DIAZ, JR., *PETITIONER*,

v.

UNITED STATES OF AMERICA, *RESPONDENT*

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Petitioner Ronnie Diaz, Jr., requests a 60-day extension of time to file his petition for certiorari in this Court to and including March 24, 2025. *See* 28 U.S.C. § 2101(c); Sup. Ct. R. 13.5. The final judgment of the Fifth Circuit was entered on September 18, 2024, and the Fifth Circuit denied petitioner’s petition for rehearing en banc on October 25, 2024. Petitioner’s time to petition for certiorari in this Court expires January 23, 2025. This application is being filed more than 10 days before that date.

A copy of the opinion below, which is reported at 116 F.4th 458, is attached, as well as the order denying rehearing en banc. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

As shown by the opinion below, this case involves whether 18 U.S.C. § 922(g)(1), the federal statute that prohibits anyone who has been convicted of “a crime punishable by imprisonment for a term exceeding one year” from possessing a firearm, violates the Second Amendment either facially or as applied to an individual with convictions for non-violent offenses. The court of appeals determined that § 922(g)(1) is constitutional both facially and as applied to petitioner. This is an important issue concerning the scope of a fundamental right that has divided the courts of appeals.

Petitioner was represented in the district court and court of appeals by the Federal Public Defender for the Western District of Texas, and Assistant Federal Public Defender Carl R. Hennies, a member of the Bar of this Court, represented petitioner in the court of appeals and represents him in this Court. Counsel and his wife are expecting a baby girl any day. Once his daughter is born, counsel will be on parental leave until mid-February. Because this case involves a quickly evolving area of constitutional law being considered by several courts of appeals, counsel is requesting a 60-day extension so that he will have about a month to complete the petition after returning from parental leave.

For these reasons, petitioner respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including March 24, 2025.

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender
CARL R. HENNIES
Assistant Federal Public Defender
Counsel of Record
OFFICE OF THE FEDERAL
PUBLIC DEFENDER
WESTERN DISTRICT OF TEXAS

Counsel for Petitioner

December 17, 2024

CERTIFICATE OF SERVICE

I certify that, on December 17, 2024, I have served a copy of the enclosed Application for Extension of Time to File a Petition for Writ of Certiorari on all parties required to be served by enclosing a copy of each in an envelope and delivering it to FedEx, a third-party commercial carrier, on, for delivery within three calendar days to:

Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW, Room 5614
Washington, D.C. 20530

s/ Carl R. Hennies
CARL R. HENNIES
Assistant Federal Public Defender