

No. _____

IN THE
Supreme Court of the United States

DAJUAN MARTIN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

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

Pursuant to Title 28, United States Code, Section 2101(c) and Supreme Court Rule 13.5, Petitioner Dajuan Martin respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be extended for 60 days, to and including Friday, March 14, 2025.

Basis for Jurisdiction

The district court had original jurisdiction over this criminal action pursuant to 18 U.S.C. § 3231. Mr. Martin pleaded guilty to violating 18 U.S.C. § 922(g). The Fifth Circuit had jurisdiction over the direct appeal under 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291. The Fifth Circuit issued a published decision affirming Mr. Martin's conviction and sentence on October 15, 2024. This Court has the power to grant or deny this motion pursuant to 28 U.S.C. § 2101(c), and it will have jurisdiction to review the Fifth Circuit's judgment under 28 U.S.C. § 1254(1).

Judgment to be Reviewed and Opinion Below

The Fifth Circuit panel's opinion is available at *United States v. Martin*, 119 F.4th 410 (5th Cir. 2024). A copy is attached as the Appendix at 3a–12a.

Reasons for Granting an Extension

Petitioner respectfully requests an extension for multiple reasons. First, due to undersigned counsel's current workload and recent deadlines, counsel requires additional time to research the legal issues for which this Court's review may be sought. Specifically, the undersigned is assisting with a criminal trial set to begin January 13, 2025, and is scheduled to orally argue two cases before the Fifth Circuit in February, one the week of February 3 and the second the week of February 24, both of which are appeals from multi-day jury trials. In addition, counsel has another cert petition due to this Honorable Court on January 20, 2025, for which he is not seeking any extension. Counsel also has a heavier than usual appellate briefing caseload in the Fifth Circuit due to other appellate lawyers in the office being on maternity leave.

Second, an extension is warranted because the two legal issues for which Petitioner will seek this Court's review involve complex legal questions, new precedent, and actively evolving circuit splits. Specifically, petitioner argued on appeal (1) that § 922(g)(1) is unconstitutional under the Second Amendment in light of this Court's decision in *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022); and (2) that commentary note 2 to United States Sentencing Guideline § 2K2.1 purporting to define "large capacity magazine" runs afoul of *United States v.*

Stinson and *United States v. Kisor* (and, relatedly, that the Fifth Circuit is on the wrong side of the circuit split as to whether *Stinson* or *Kisor* applies to such Guideline challenges). Given the importance of these issues and the changing state of the law, including new Second Amendment precedent established by the appellate courts after the briefing and decision in Petitioner’s appeal, additional time is needed to fully research the current landscape in order to adequately present to this Court the reasons it should review the issues.

Accordingly, counsel respectfully urges that a 60-day extension is warranted.

CONCLUSION

For all these reasons, Petitioner and undersigned counsel respectfully request that the Court grant an extension of 60 days to file a petition for writ of certiorari, to and including March 14, 2025.

Respectfully submitted this 2nd day of January, 2025.

/s/ Steven E. Spires
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