

No. ____-____

IN THE SUPREME COURT OF THE UNITED STATES

EDGAR SEARCY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the Fourth Circuit:

Under 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, petitioner Edgar Searcy respectfully requests a 60-day extension of time, up to and including August 16, 2018, in which to file a petition for a writ of certiorari in this Court. The Fourth Circuit entered final judgment against Mr. Searcy on January 18, 2018. It denied his timely rehearing petition on March 19, 2018. Mr. Searcy's time to file a petition for certiorari in this Court expires on June 17, 2018. This application is being filed more than 10 days before that date. A copy of the Fourth Circuit's published opinion in this

case is reported at 880 F.3d 116 (4th Cir. 2018), and a copy of the Fourth Circuit’s denial of the petition for panel rehearing and rehearing *en banc* is attached as Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This case presents a substantial question concerning the application of 28 U.S.C. § 1658(a)—the four-year “catch-all” statute of limitations that Congress has enacted for civil actions—to civil commitment proceedings under 18 U.S.C. § 4248—the Adam Walsh Act. Mr. Searcy moved in the district court to dismiss the civil commitment proceedings against him, arguing that the United States waited for over four years after the cause of action against him accrued before filing a certificate against him. The district court denied the motion and committed Mr. Searcy after a hearing. Mr. Searcy appealed, and the Fourth Circuit held that Section 1658(a) does not apply to Section 4248 civil commitment proceedings. This case presents the first time that a circuit court of appeals has directly addressed Section 1658(a)’s application to Section 4248. Because the United States continues to certify individuals in the Eastern District of North Carolina after the four-year statute of limitations would otherwise bar the certification, this case will have a significant and ongoing impact on many individual’s liberty interests. Also, because the United States now limits certifications to the Eastern District of North Carolina, the other circuit courts of appeal will have no opportunity to address this question. This case is the best opportunity to present this significant issue to this Court.

Although counsel is working diligently to prepare the petition for certiorari on Mr. Searcy's behalf, two issues necessitate this request for an extension of time. First, counsel has family medical issues that may require him to take family medical leave for significant parts of May and June. Right now, further tests are required to determine how much leave, if any, counsel will need to take and when he will need to take it. Second, counsel has the following filings he has made and is scheduled to make from the time the Fourth Circuit rejected Mr. Searcy's rehearing petition until the time he requests. *United States v. Sams*, Fourth Cir. No. 17-2051 (opening brief filed March 26, 2018), *United States v. Gray*, Fourth Cir. No. 17-4503 (reply brief filed March 30, 2018), *United States v. Cruz-Hernandez*, Fourth Cir. No. 17-4768 (reply brief filed April 2, 2018), *United States v. King*, Fourth Cir. No. 17-7635 (opening brief filed April 2, 2018), *United States v. Lewis*, Fourth Cir. No. 18-4075 (opening brief filed April 12, 2018), *United States v. Montero-Garcia*, Fourth Cir. No. 17-4755 (opening brief filed April 24, 2018), *United States v. Lesch*, Fourth Cir. No. 16-7637 (petition for certiorari due May 10, 2018), *United States v. Jackson*, Fourth Cir. No. 17-6166 (opening brief due May 14, 2018), *United States v. Spivey*, Fourth Cir. No. 18-4099 (opening brief due May 29, 2018), *United States v. Beamon*, Fourth Cir. No. 17-4559 (petition for certiorari due June 26, 2018), *United States v. Wright*, Fourth Cir. No. 16-4823 (petition for certiorari due June 28, 2018). Counsel will also be attending a week long continuing legal education conference at the end of May.

Thus, Mr. Searcy respectfully requests that an order be entered extending the time to petition for certiorari up to and including August 16, 2018.

Respectfully submitted,

G. Alan DuBois
Federal Public Defender
FEDERAL PUBLIC DEFENDER FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

A handwritten signature in dark ink, appearing to read "Eric J. Brignac", is written over a horizontal line.

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