

NO:

IN THE  
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2018

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BRANDON GALE COMBS,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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

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**TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF  
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT  
JUSTICE FOR THE FOURTH CIRCUIT**

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Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Brandon Gale Combs respectfully requests an extension of time, to and including November 12, 2018, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Fourth Circuit. Mr. Combs has not previously sought an extension of time from this Court.

Petitioner is filing this Application at least ten days before the filing date, which is September 24, 2018. *See S.Ct. R. 13.5.* The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Combs pled guilty in the District of South Carolina on the charges of being a prohibited person in possession of a firearm in violation of 18 U.S.C. §922(g)(1). The firearm underlying the conviction was found during a search pursuant to a warrant, which was based, in part, on statements made by Mr. Combs without being Mirandized, a fact admitted by the police officer, and on a bullet seen by the same officer after he entered Mr. Combs' home without a warrant or exception to the warrant requirement.

A copy of the Opinion from the Court of Appeals for the Fourth Circuit is attached as Appendix A hereto, in which the Court affirmed the denial of the motion to suppress. The Court held that it was entitled to rely on information known only to the officers, but not shared with the magistrate judge, to determine if probable cause for the warrant existed, an issue on which a circuit split exists. App. A at pp. 4-5. The circuit court also held that the good faith exception applied to the officer who executed the warrant, who is the same officer who entered Mr. Combs' house and questioned Mr. Combs without Miranda warnings. App. A at pp. 6-7.

The Fourth Circuit denied Mr. Combs Petition for Rehearing and Rehearing En Banc on June 25, 2018 and the Order is attached as Appendix B.

Undersigned counsel will not have sufficient time to file the petition for writ of certiorari for Mr. Combs by September 24, 2018 for several reasons. First, several months ago, she was appointed by the Fourth Circuit in *United States v. Muslim*, Fourth Circuit Case No. 16-4304, which has been pending on appeal for over two years, involved a complex trial and has involved seven previous attorneys. Counsel has been working on that case for months, and anticipates, after a lengthy delay in obtaining redacted transcripts, which is still ongoing, that the brief will be due around the same time as Mr. Combs' petition is currently due. Second, counsel was recently appointed to three appeals by the Fourth Circuit and is also working on those cases. Third, Counsel has oral argument scheduled in *United States v..Ketter*, Fourth Circuit Case No. 17-4267 on September 27, 2018 and will need to prepare for that argument in the weeks preceding the date Mr. Combs' petition is due. Finally, counsel will be on leave for a week in August 2018.

Accordingly, additional time will be necessary for the careful preparation of the petition for writ of certiorari in Mr. Combs' case.

No party will be prejudiced by the granting of an extension.

Since the time within which to file a petition for writ of certiorari in this case will expire on September 24, 2018 unless extended, Petitioner respectfully requests that an order be entered extending his time to file a petition for writ of certiorari, to and including November 12, 2018.

Respectfully submitted,

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August 2, 2018