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January 3, 2019

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

  Re: *Barrett v. United States*, No. 18-6985

Dear Mr. Harris:

  On behalf of Petitioner Dwayne Barrett, I respectfully oppose the government's request for an extension of time, until February 11, 2019, to respond to Barrett's certiorari petition.

  As explained in the petition (filed Dec. 3, 2018) and Barrett's Supplemental Brief (filed Dec. 20, 2018), Barrett's case is the best vehicle for resolving the circuit splits on the meaning and constitutionality of 18 U.S.C. § 924(c)(3)(B). Indeed, only Barrett's case presents all the relevant questions, including whether the "case specific" approach is constitutional and whether § 924(c)(3)(B) permits an "each case" or "always" reading– a question that has been flagged by Justice Gorsuch and that divides the First and Second Circuits. *See Barrett* Cert. Pet. at 2, 9-10; Supp. Br. at 1-2. Consequently, hearing Barrett's case is necessary for a full presentation of the issues that have split the circuits on this overall matter – § 924(c)(3)(B)'s validity – which the government says "warrants this Court's immediate attention." *United States v. Davis*, No. 18-431, Cert. Pet. at 23.

  If the government's extension request is granted, however, it is all but certain Barrett's case will not be heard this Term. That would deprive the Court of the ability to fully adjudicate the questions here.

  I therefore ask the Court to deny the government's extension request and order it to respond to Barrett's certiorari petition by January 10, 2019, or sooner. In that case, I will waive the 14-day period for filing a reply.

        Respectfully submitted,
        s/ Matthew B. Larsen
        Assistant Federal Defender

cc: Noel J. Francisco (by email)