

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

DEVAN PIERSON,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION TO THE HON. BRETT M. KAVANAUGH
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Devan Pierson, hereby moves for an extension of time of 30 days, to and including September 28, 2019, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be August 29, 2019.

In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Seventh Circuit rendered its decision on May 31, 2019 (Exhibit 1). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves two issues: *first*, whether the First Step Act of 2018, Pub. L. No. 115-394, applies to criminal defendants who were sentenced after the Act's December 21, 2018 effective date but whose direct appeals have not reached final disposition; and *second*, whether Mr. Pierson is entitled to a new trial on his 18

U.S.C. § 922(g) felon-in-possession conviction in light of *Rehaif v. United States*, 139 S. Ct. 2191 (2019), which was decided while Mr. Pierson's case was pending on appeal.

3. Applicant's counsel, Erin E. Murphy, has substantial briefing obligations in August and September, including an opening brief in *Moda Health Plan, Inc. v. United States*, No. 18-1028 (U.S.), reply brief in *NY State Rifle & Pistol v. New York, NY*, No. 18-280 (U.S.), reply brief in *Archdiocese of Wash. v. Wash. Metro. Area Transit Auth.*, No. 18-1455 (U.S.), reply brief in *Steves & Sons, Inc. v. JELD-WEN, Inc.*, No. 19-1397 (4th Cir.), and reply brief in *United States v. Chow*, No. 19-325 (2d Cir.).

4. Applicant thus requests a modest extension for counsel to prepare a petition that fully addresses the complex issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

WHEREFORE, for the foregoing reasons, Applicant requests that an extension of time to and including September 28, 2019, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,



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August 5, 2019