



DEPARTMENT OF THE ARMY  
UNITED STATES ARMY LEGAL SERVICES AGENCY  
DEFENSE APPELLATE DIVISION  
9275 GUNSTON ROAD  
FORT BELVOIR, VIRGINIA 22060-5546

August 16, 2019

Chief Justice John Roberts  
Supreme Court of the United States  
1 First Street, N.E.  
Washington, DC 20543

**Re: Petition for Writ of Certiorari, *McDonald v. United States***

The Honorable Chief Justice Roberts,

The petitioner, Private First Class Cedric L. McDonald, through undersigned appellate counsel, respectfully requests that this Court enlarge the time to file his petition for writ of certiorari pursuant to Rule 13.5.

The Court of Appeals for the Armed Forces (C.A.A.F.) issued its opinion on April 17, 2019. Private McDonald timely filed his first petition for reconsideration, which the C.A.A.F. denied on May 29, 2019. The case questions the applicable *mens rea* to a routinely prosecuted offense under the Uniform Code of Military Justice. In light of this Court's intervening decision in *United States v. Rehaif*, 139 S. Ct. 2191 (2019), Private McDonald filed a second, out-of-time petition for reconsideration, and a motion for leave to file the same, with the C.A.A.F. on July 26, 2019. The C.A.A.F. has not yet granted or denied either pleading.

This Court has jurisdiction under 28 U.S.C. § 1259 (3). Pursuant to Rule 13.5, Private McDonald respectfully requests that this Court extend the time to file a petition for writ of certiorari by 60 days to October 26, 2019.

Attached to this letter is the required proof of service on the Solicitor General and an Appendix containing both the opinion below and the court order denying petitioner's timely filed petition for reconsideration.

Please contact me if you have any questions concerning this matter at zachary.a.gray8.mil@mail.mil or (703) 693-0648.

Sincerely,

  
Zachary A. Gray  
Captain, Judge Advocate  
Appellate Defense Counsel