

No. ____-____

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD A. WELLBELOVED-STONE,

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 Richard A. Wellbeloved-Stone respectfully requests a 60-day extension of time, up to and including November 10, 2019, in which to file a petition for a writ of certiorari in this Court. The Fourth Circuit entered final judgment against Wellbeloved-Stone on June 13, 2019. Wellbeloved-Stone's time to file a petition for certiorari in this Court expires on September 11, 2019. This application is being filed more than 10 days before

that date. A copy of the Fourth Circuit’s unpublished opinion in this case is attached as Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This case presents three issues of significant importance. First, the unauthorized agency use of customs summons under 19 U.S.C. § 1509 for criminal investigation instead of customs investigations. Second, the propriety of a search warrant permitting a broad search of a home and all digital devices therein for “victim identification purposes” based on an uncorroborated online statement. Third, the lack of commerce clause authority to support federal jurisdiction to regulate self-produced child pornography. Each of these issues is complicated, and they are important.

The requested extension is necessary to allow undersigned counsel to adequately research and draft a petition presenting this issue while simultaneously balancing a heavy, public-defender caseload. In addition to this case, counsel has deadlines before this Court in *United States v. Legall* (petition due August 21, 2019), *United States v. Riley* (petition due August 31, 2019), *United States v. Melton* (petition due September 21, 2019¹), also is responsible for meeting deadlines in pending Fourth Circuit cases including *United States v. Johnson*, Fourth Cir. No. 19-4479 (opening brief due August 19, 2019), *United States v. Jones*, Fourth Cir. No. 15-7399 (reply brief due August 26, 2019), *United States v. Fulton*, 19-6717 (reply brief due August 27, 2019),

¹ Counsel intends to file a request for an extension for this petition as well.

United States v. Kilgore, 19-4420 (opening brief due September 6, 2019), *United States v. Maupin*, 19-6817 (reply brief due September 6, 2019), *United States v. Rumley*, No. 19-4412 (opening brief due September 10, 2019). Undersigned counsel is also trial counsel in numerous cases before the district court.

For these reasons, Wellbeloved-Stone respectfully requests that an order be entered extending the time to petition for certiorari up to and including November 10, 2019.

Respectfully submitted,

Juval O. Scott
FEDERAL PUBLIC DEFENDER FOR THE
WESTERN DISTRICT OF VIRGINIA

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August 13, 2019

Exhibit 1

United States

v.

Richard A. Wellbeloved-Stone,

No. 18-4572, 2019 WL 2474025