

No. _____

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

BRIAN KIRK MALPASSO and MARYLAND STATE
RIFLE AND PISTOL ASSOCIATION, INC.,

Applicants,

v.

WILLIAM M. PALLOZZI, in his Official
Capacity as Maryland Secretary of State Police,

Respondent.

On Application for an Extension of Time Within Which
To File a Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

**APPLICATION TO THE HON. JOHN G. ROBERTS, JR.
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

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July 11, 2019

CORPORATE DISCLOSURE STATEMENT

Maryland State Rifle and Pistol Association, Inc. has no parent corporation, and there is no publicly held corporation that owns 10% or more of its stock.

Pursuant to Rules 13.5 and 22, Applicants Brian Kirk Malpasso and Maryland State Rifle and Pistol Association, Inc. respectfully move for an extension of time granting an additional 60 days in which to file a petition for writ of certiorari to the United States Court of Appeals for the Fourth Circuit in *Malpasso v. Pallozzi*, No. 18-2377. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1). The opinion for which Applicants intend to seek the writ, a copy of which is included as Exhibit A, was filed on April 29, 2019. Under the ordinary timing requirements in Rule 13.1, Applicants' petition is due on July 29, 2019. With the additional 60 days Applicants are requesting, the petition would be due on September 27, 2019. In support of their request, Applicants state as follows:

1. Applicants' counsel in this matter are heavily engaged, during the third and fourth weeks of July, in conducting pretrial discovery and taking and defending numerous depositions in connection with a constitutional challenge to Vermont's ban on certain ammunition magazines, *Vermont Federation of Sportsmen's Clubs v. Birmingham*, No. 224-4-18 (Vt. Sup. Ct.). Applicants' counsel of record, David H. Thompson, will also be consumed during much of July and August defending against a challenge to North Carolina's election laws, *Holmes v. Moore*, No. 18-CVS-15292 (N.C. Sup. Ct.), which is proceeding on an expedited schedule due to the plaintiffs' request for preliminary injunctive relief. Mr. Thompson also has two briefs due before the first week of September in *111 West 57th Investment LLC v. 111 West 57th Property Owner LLC*, No. 653067/2019 (N.Y. Sup. Ct. N.Y. Cnty.), and an oral argument before the Second Circuit on August 20th in *111 West 57th Investment LLC v. 111 West 57th Sponsor LLC*, No. 18-3480 (2d. Cir.).

2. The Fourth Circuit's decision presents substantial issues of law, including (1) whether and to what extent the Second Amendment protects the right to carry a firearm outside

the home for self-defense, (2) whether a State may deny the exercise of the right to carry a firearm outside the home to ordinary citizens by conditioning its exercise on a showing of a special, heightened need to carry a firearm, and (3) whether the Fourth Circuit's decision to apply intermediate scrutiny to the challenged restrictions is consistent with this Court's decision in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

3. The importance of these issues is underscored by the fact that the decision below, in answering some or all of these questions, departed from the directly contrary conclusions of the D.C. Circuit in *Wrenn v. District of Columbia*. Applicants request an additional 60 days to better enable counsel to prepare a petition that adequately presents these important legal issues to this Court for consideration.

4. Because this case comes to this Court on the Fourth Circuit's affirmance of the District Court's grant of dismissal in favor of the government, the challenged restrictions are currently being enforced, and Respondents will therefore suffer no prejudice from the 60-day extension Applicants are requesting.

For the foregoing reasons, Applicants hereby respectfully request an extension of time up to and including September 27, 2019, for the filing of a petition for writ of certiorari in this case.

Dated: July 11, 2019

Respectfully submitted,

s/David H. Thompson

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