

No. _____

IN THE
Supreme Court of the United States

THOMAS JAVAN ELAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM THE
JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT**

**TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE FOURTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Thomas Javan Elam respectfully requests an extension of time, up to and including May 16, 2022, within which to file a petition for a writ of certiorari from the judgment of the United States Court of Appeals for the Fourth Circuit. Mr. Elam has not previously sought an extension of time from this Court.

Petitioner's date to file a petition for writ of certiorari is March 16, 2022, and extraordinary circumstances have prevented counsel from complying with Rule 13.5. Counsel was out of the office due to an unavoidable personal conflict at the end of

February 2022, and the ten-day deadline for the filing of this motion passed on March 7, 2022. This motion is being filed within one day of that deadline. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. §1254(1).

Mr. Elam pled guilty in the District of South Carolina to being a felon in possession of a firearm, a violation of 18 U.S.C. §§922(g)(1), 924(a)(2), and 924(e). Mr. Elam appealed, and the Fourth Circuit Court of Appeals affirmed Mr. Elam's conviction and sentence on December 16, 2021.

A copy of the Opinion from the Court of Appeals for the Fourth Circuit is attached as Appendix A hereto.

On February 8, 2022, undersigned counsel moved to be relieved as counsel in the Fourth Circuit Court of Appeals. The motion has yet to be ruled upon. Accordingly, additional time is needed for the evaluation and preparation of a petition for writ of certiorari, whether it be by Mr. Elam or counsel. Moreover, no party will be prejudiced by the granting of a sixty (60) day extension.

As the time within which to file a petition for writ of certiorari in this case will expire March 16, 2022 unless extended, Petitioner respectfully requests an extension of time in which to file a petition for writ of certiorari up to and including May 16, 2022.

Respectfully submitted,

s/ Emily Deck Harrill

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March 8, 2022