

No. _____

In the Supreme Court of the United States

Christopher Hasson,
Petitioner,

v.

United States of America,
Respondent.

**Application for Extension of Time in Which to
File a Petition for a Writ of Certiorari**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the Fourth Circuit:

Petitioner Christopher Hasson, pursuant to Supreme Court Rules 13.5 and 22, respectfully makes an application to extend by 60 days the time in which to file a petition for writ of certiorari from the judgment entered by the United States Court of Appeals for the Fourth Circuit. In support thereof, counsel states the following:

1. Mr. Hasson was indicted for, among other offenses, possession of a firearm by someone “who is an unlawful user of or addicted to any controlled substance,” under 18 U.S.C. § 922(g)(3). He moved to dismiss the § 922(g)(3) count on the ground that the phrase “unlawful user of or addicted to” is void for vagueness on its face. Mr. Hasson’s motion argued that, in light of this Court’s recent void-for-vagueness cases, he could prevail on a facial vagueness challenge without first showing that § 922(g)(3) was vague as applied to his own conduct.

2. The district court denied Mr. Hasson's motion, concluding a litigant must show a statute is vague as applied before he can argue it is vague on its face. Mr. Hasson then entered a conditional guilty plea that preserved his ability to appeal the court's ruling. The district court sentenced Mr. Hasson to 160 months in prison.

3. On appeal, Mr. Hasson renewed his argument that this Court's recent cases permit a defendant to mount a facial vagueness attack without first demonstrating that a statute is vague as applied. On February 22, 2022, the Fourth Circuit issued a published opinion that rejected Mr. Hasson's argument. Because Mr. Hasson did not contend § 922(g)(3) was vague as applied, the court affirmed his conviction and sentence. *United States v. Hasson*, 26 F.4th 610 (4th Cir. 2022); see Appendix A.

4. On March 7, 2022, Mr. Hasson filed a timely petition for rehearing en banc, raising the vagueness claim once again. The Fourth Circuit denied Mr. Hasson's petition on March 22, 2022. See Appendix B.

5. This Court has jurisdiction over Mr. Hasson's case under 28 U.S.C. § 1254(1). His petition for a writ of certiorari is currently due on June 20, 2022.

6. Since Mr. Hasson's en banc petition was denied, I have been busy with numerous filings in both district court and the Fourth Circuit, as well as an oral argument in the Fourth Circuit. I also contracted COVID-19 in April and, as a result, was largely unable to work for two weeks. In addition, I have had to take medical leave in the last two weeks in order to undergo and recover from surgery. Accordingly, I will need additional time to prepare a petition for writ of certiorari in Mr. Hasson's case.

7. I have attempted, unsuccessfully, to ascertain the government's position on this request. An attorney at the United States Attorney's Office, who represented the government in the Fourth Circuit, informed me that he is not authorized to state the government's position in matters before this Court. At that attorney's suggestion, I contacted the Office of the Solicitor General by both phone and email to ask the government's position, but I have not heard back.

8. For the reasons described above, Mr. Hasson respectfully requests that the Court grant a 60-day extension of the deadline to file a petition for a writ of certiorari.

Respectfully submitted,

/s/ Cullen Macbeth

Cullen Macbeth

Assistant Federal Public Defender

Federal Public Defender's Office

District of Maryland

6411 Ivy Lane, Suite 710

Greenbelt, MD 20770

(301) 344-0600

cullen_macbeth@fd.org

June 6, 2022