

NO: _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2022

JESSE SHANE OWENS,

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, Jesse Shane Owens respectfully requests an extension of time, to and including May 18, 2023, 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. Owens has not previously sought an extension of time from this Court to file this petition.

Petitioner is filing this Application at least ten days before the filing date, which is March 20, 2023. *See* S. Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. §1254(1).

Mr. Owens was convicted at a bench trial for violating 18 U.S.C. §922(g)(8), related to possessing a gun while being under a domestic protective order. On appeal, Mr. Owens asked the Fourth Circuit to vacate his sentence because the protective order issued against him was not the type defined in § 922(g)(8) which would prohibit him from possessing a gun. Mr. Owens relied on *Moore v. Moore*, 657 S.E.2d 743 (S.C. 2008), in which the South Carolina Supreme Court held that the emergency protective order hearing proceedings implicate substantive due process, are not meant to afford the respondent (here, Owens) time to obtain counsel and, therefore, are not meant to be used for collateral consequences.

A copy of the Opinion from the Court of Appeals for the Fourth Circuit is attached as Appendix A hereto, in which the Court affirmed the conviction, but vacated the sentence and remanded to the district court for re-sentencing. Mr. Owens did not seek rehearing in the Fourth Circuit.

Undersigned counsel will not have sufficient time to file the petition for writ of certiorari for Mr. Owens by March 20, 2023 for several reasons. In the months between the issuance of the Fourth Circuit opinion and the due date for Mr. Owens' petition, counsel had or will have briefs, sentencing memoranda and a petition for rehearing en banc due to the Fourth Circuit, including in Case Nos. 22-4625 and 19-4725 and at Mr. Owens' resentencing hearing. Additionally, the undersigned is co-

counsel in Case No. 22-4281 pending at the Fourth Circuit, which involved a 41-day trial and thousands of pages of transcripts, which just became available for review.

Accordingly, additional time will be necessary for the careful preparation of the petition for writ of certiorari in Mr. Owens' case.

No party will be prejudiced by the granting of an extension.

Since the time within which to file a petition for writ of certiorari in this case will expire on March 20, 2023 unless extended, Petitioner respectfully requests that an order be entered extending his time to file a petition for writ of certiorari, to and including May 18, 2023.

Respectfully submitted,

By: s/Kimberly H. Albro
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March 6, 2023