

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

JOSHUA DUGGAR,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit

**PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

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*To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme
Court of the United States and Circuit Justice for the Eighth Circuit*

Petitioner, Joshua Duggar, respectfully applies to this Court for an order extending the time in which to file his petition for a writ of certiorari from December 27, 2023 until February 25, 2024, a period of 60 days. This Court has jurisdiction under 28 U.S.C. § 1254(1). In support of this Application, Mr. Duggar respectfully states as follows:

1. Mr. Duggar is incarcerated following a jury trial (5:21-CR-50014) in the United States District Court for the Western District of Arkansas.

2. On August 7, 2023, the United States Court of Appeals for the Eighth Circuit issued an opinion in Case No. 22-2178 (attached), wherein the court affirmed the judgment of the United States District Court for the Western District of Arkansas.

3. On September 28, 2023, the United States Court of Appeals for the Eighth Circuit issued an order denying Mr. Duggar's petition for rehearing *en banc* (attached).

4. Mr. Duggar's case raises an important question, *inter alia*, concerning a criminal defendant's constitutional right to present a complete defense.

5. According to Supreme Court Rule 13.3, Mr. Duggar's petition for a writ of certiorari is presently due on or before December 27, 2023. *See* Supreme Court Rule 13.3 ("the time to file a petition for a writ of certiorari...runs from the date of the

denial of rehearing”). However, the time granted by Supreme Court Rule 13 will be insufficient to allow Mr. Duggar’s counsel to do justice to the issue(s) at hand, which are of vast import.

6. Since Mr. Duggar’s petition for rehearing *en banc* was denied, undersigned counsel has, among other things, been obligated to prepare for and conduct fourteen depositions in cases involving complex civil IRS matters and an important 42 U.S.C. § 1983 case; participate in three civil mediations; and advocate on behalf of clients in three federal sentencing hearings. These obligations have prevented undersigned counsel from devoting the time necessary to adequately prepare the petition for a writ of certiorari in this case. Furthermore, undersigned counsel would benefit from additional time to consult with Mr. Duggar, who is in custody.

7. Therefore, Mr. Duggar seeks an extension of 60 days in which to file his petition for a writ of certiorari. *See* Supreme Court Rule 13.5 (“For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days”).

8. In accordance with Supreme Court Rule 13.5, this Application is submitted at least ten days prior to the present due date. Further, the requested extension is made in good faith and not for the purposes of delay. Indeed, the requested extension is made because of the vital importance associated with the issue(s) at hand—including a defendant’s constitutional right to present a complete defense.

9. Undersigned counsel's obligations to his other clients in previously scheduled depositions, mediations, and hearings have precluded counsel from being able to direct adequate time and attention to the preparation of a petition for a writ of certiorari on Mr. Duggar's behalf. Therefore, in light of undersigned counsel's current obligations and the importance of the constitutional issue that will be presented in this case, undersigned counsel respectfully submits that a 60-day extension is necessary and appropriate in order to effectively prepare the petition for a writ of certiorari on Mr. Duggar's behalf.

Wherefore, in the interest of justice and for good cause shown, counsel for Mr. Duggar respectfully requests that this Court extend the current December 27, 2023 deadline until February 25, 2024.

Respectfully submitted,

/s/ Justin K. Gelfand

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