

No.

**In The
Supreme Court of the United States**

OCTOBER TERM, 2024

JUAN MARQUIS HOLIDAY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

Juan Marquis Holiday
Reg Number: 61872-298
USP Victorville
P.O. Box 3900
Adelanto, California 92301
Pro-Se Petitioner

To the Honorable Justice Elena Kagan, Associate Justice of the Supreme Court and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

COMES NOW the Petitioner, Juan Marquis Holiday (“Holiday”), *pro se*¹, and respectfully asks for an extension of time in which to file a petition for writ of certiorari. The Petition is currently due on February 20, 2024. Petitioner requests a 60-day extension, until April 20, 2024. Petitioner was originally tried and sentenced in the United States District Court for the Southern District of California. His conviction was affirmed by the United States Court of Appeals for Ninth Circuit on November 22, 2023 in an unreported decision. See: *United States v. Juan Marquis Holiday*, No. 23-445 (9th Cir. Nov. 22, 2023). Attached hereto is a copy of the opinion below.

This Court previously granted *certiorari* review of the Ninth Circuit’s decision in Petitioner’s Direct Appeal. See: *Juan Marquis Holiday v. United States*, No. 21-5326 (2022). In doing so, the Court vacated and remanded the case for further consideration in light of *Taylor*. See: *Id.* On remand, the District Court eliminated the sentencing enhancements related to the

¹ Because Holiday is proceeding in this matter without the benefit of counsel, he respectfully requests that this Court apply a liberal interpretation to the questions and arguments asserted herein. See: *Hughes v. Rowe*, 449 U.S. 5, 15 (1980) (“An unrepresented litigant should not be punished for his failure to recognize subtle factual or legal deficiencies in his claims”).

Holiday's *attempted* robbery counts. Following re-sentencing, Holiday sought appellate relief citing several issues; all of which were rejected. That said, the likely issue that will be raised by Holiday in his Petition to this Court will focus on whether or not "aiding and abetting a robbery" qualifies as a crime of violence. There is a split amongst the Circuit's on this issue and Petitioner believes this Court currently has a case relating to the issue.

Holiday is proceeding in this matter without benefit of counsel, as his attorney, appointed pursuant to the Southern District of California's Criminal Justice Act Plan, advised that he would not represent him in his Petition to this Court. That said, Holiday is confident that he can prepare and present a Petition but requires additional time to ensure that he has an opportunity to review controlling legal authority and draft the Petition. As an incarcerated litigant, Holiday has limited access to legal reference materials – the additional time will ensure that even with the limited access he can prepare a well-reasoned Petition for the Court's consideration. Holiday is not seeking an extension of time to cause any undue prejudice to the United States and is making his request in good faith.

For all of the foregoing reasons and in the interest of justice, Holiday prays that he is granted a 60-day extension of time in which to file his Petition for a writ of certiorari.

Respectfully Submitted,

Juan Holiday
Juan Marquis Holiday
Reg Number: 61872-298
USP Victorville
P.O. Box 3900
Adelanto, California 92301
Pro-Se Petitioner

APPELLATE COURT OPINION
United States v. Juan Marquis Holiday, No. 23-445
(9th Cir. Nov. 22, 2023)

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 22 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN MARQUIS HOLIDAY,

Defendant - Appellant.

No. 23-445

D.C. No. 3:17-cr-01370-AJB-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Anthony J. Battaglia, District Judge, Presiding

Submitted November 14, 2023**

Before: SILVERMAN, WARDLAW, and TALLMAN, Circuit Judges.

Juan Marquis Holiday appeals from the district court's judgment and challenges the 64-year-and-10-month sentence imposed on remand for resentencing following his jury-trial convictions for multiple counts of interference and attempted interference with commerce by robbery and brandishing and

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

discharging a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 2, 1951, and 924(c), respectively. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Holiday's counsel has filed a brief stating that there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Holiday the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80 (1988), discloses no arguable grounds for relief on direct appeal.

Counsel's motion to withdraw is **GRANTED**.

Holiday's pro se motion to appoint new counsel is **DENIED**.

AFFIRMED.

No.

**In The
Supreme Court of the United States**

JUAN MARQUIS HOLIDAY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

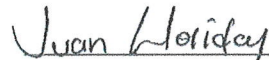
PROOF OF SERVICE

I, Juan Marquis Holiday, do swear or declare that on this date, January 31, 2024, as required by Supreme Court Rule 39, I have served the enclosed Motion for an extension of time on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly address to each of them and with first class postage prepaid. The names and address of those served are as follows:

United States Solicitor General
Department of Justice
950 Pennsylvania Ave., N.W.
Room 5614
Washington, D.C. 20530-0001

Shital Thakkar, Esq.
Assistant United States Attorney
Southern District of California
880 Front Street, Room 6293
San Diego, California 92101

Respectfully Submitted,



Juan Marquis Holiday
Reg Number: 61872-298
USP Victorville
P.O. Box 3900
Adelanto, California 92301
Pro-Se Petitioner
