

IN THE SUPREME COURT OF THE UNITED STATES

DARRON HENDERSON, :
Petitioner :

VS. : **No.** _____

UNITED STATES OF AMERICA :

**APPLICATION FOR EXTENSION OF TIME
FOR FILING PETITION FOR WRIT OF CERTIORARI**

Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests the granting of the instant application for a 30-day extension of time for filing of a petition for writ of certiorari, and in support represents as follows:

1. Petitioner Darron Henderson was charged by indictment in the Eastern District of Pennsylvania with possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). He pleaded guilty and was sentenced. On August 30, 2022, Mr. Henderson filed a timely notice of appeal. Following briefing and oral argument, the Court of Appeals for the Third Circuit affirmed the order of the district court by judgment entered August 15, 2023. (Appendix “A”).
2. On October 30, 2023, Mr. Henderson filed with the Third Circuit a petition for panel rehearing and/or rehearing en banc pursuant to Fed. R. App. P. 35(b) and 40(a). The petition was denied on November 16, 2023. (Appendix “B”).
3. Pursuant to Rule 13.1, Mr. Henderson’s petition for writ of certiorari is presently due on February 14, 2024.
4. Counsel has been unable to complete the petition given that he had been occupied preparing the opening brief and joint appendix in *United States v. Simeer Spry*, Third Circuit No.

23-2884, presently due on February 14, 2024. In addition, in his supervisory capacity as Chief of Appeals at the Federal Community Defender Office, counsel has been attending to other appeals pending before the Third Circuit, including *United States v. Davitashvili*, Third Circuit No. 23-1024, oral argument to take place on February 7, 2024; *United States v. Dukulah*, Third Circuit No. 23-2554, opening brief on filed January 24, 2024; and *United States v. Sok*, Third Circuit No. 23-1939, reply brief filed on January 23, 2024.

5. Counsel respectfully requests an additional 30 days in which to complete the petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of Darron Henderson, Petitioner, respectfully requests that this Court grant this motion for a 30-day extension of time for filing of a petition for writ of certiorari.

Respectfully submitted,

/s/ Brett G. Sweitzer
BRETT G. SWEITZER
Assistant Federal Defender
Chief of Appeals
Federal Community Defender Office
for the Eastern District of Pennsylvania
Suite 540 West, Curtis Center
601 Walnut Street
Philadelphia, PA 19106
(215) 928-1100

CERTIFICATE OF SERVICE

I, Brett G. Sweitzer, Assistant Federal Defender, Chief of Appeals, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have electronically filed this *Application for Extension of Time for Filing Petition for Writ of Certiorari* through the Electronic Filing System (EFS) of the Supreme Court of the United States and served copies upon Robert A. Zauzmer, Assistant United States Attorney, Chief of Appeals, by hand delivery to his office located at 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and upon Elizabeth Prelogar, Solicitor General of the United States, by first class U.S. mail addressed to United States Department of Justice, Room 5614, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

/s/ Brett G. Sweitzer
BRETT G. SWEITZER

Dated: February 1, 2024