

No. _____

IN THE
Supreme Court of the United States

BRANDON RASHAAD HILL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

**APPLICATION FOR AN EXTENSION OF TIME IN WHICH
TO FILE PETITION FOR A WRIT OF CERTIORARI**

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

Under Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), petitioner Brandon Rashaad Hill respectfully requests an extension of 30 days in which to file a petition for writ of certiorari in this case. The petition will seek review of the Fourth Circuit's decision in *United States v. Hill*, No. 24-4194, 2025 WL 314159 (4th Cir. Jan. 28, 2025) (per curiam), a copy of which is attached hereto as Appendix A.

In support of this application, petitioner states as follows:

1. The Fourth Circuit issued its opinion and entered judgment on January 28, 2025. Without an extension, the petition for a writ of certiorari would be due on April 28, 2025. With the requested extension, the petition would be due on May 28, 2025. The Court’s jurisdiction will be invoked under 28 U.S.C. § 1254(1). In accordance with Supreme Court Rule 13.5, petitioner is filing this application at least ten days before the current due date.

2.a. Mr. Hill was convicted in the United States District Court for the Eastern District of Virginia for unlawfully possessing a firearm in violation of 18 U.S.C. § 922(g)(1). App. 2a. Before pleading guilty, Mr. Hill moved to dismiss the indictment, arguing that § 922(g)(1) violates the Second Amendment under the test articulated in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). App. 2a. Mr. Hill argued § 922(g)(1) is unconstitutional on its face and as applied to him. The district court denied his motion. App. 2a.

b. On appeal, the Fourth Circuit affirmed in a per curiam unpublished opinion. App. 2a-3a. The panel in this case concluded that Mr. Hill’s facial and as-applied challenges were foreclosed by “binding circuit precedent.” App. 3a. While Mr. Hill’s appeal was pending, the Fourth Circuit decided two cases on the constitutionality of § 922(g)(1). First, in *United States v. Canada*, 123 F.4th 159, 160-62 (4th Cir. 2024), the Fourth Circuit held that § 922(g)(1) is facially constitutional. Second, in *United States v. Hunt*, 123 F.4th 697, 700 (4th Cir. 2024), *pet’n for cert filed*, No. 24-6818 (Mar. 17, 2025), the Fourth Circuit held that “a person who has

been convicted of a felony cannot make out a successful as-applied challenge to Section 922(g)(1) ‘unless the felony conviction is pardoned or the law defining the crime of conviction is found unconstitutional or otherwise unlawful.’” In other words, the Fourth Circuit held that as-applied challenges to § 922(g)(1) were foreclosed.

c. The Fourth Circuit’s judgment warrants this Court’s review. There is a deepening circuit split on the issue of whether as-applied challenges to § 922(g)(1) are available. The Fourth Circuit joined the Eighth and Tenth Circuits in holding that defendants may not assert an as-applied challenge to § 922(g)(1). *See United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024), *pet’n for cert filed*, No. 24-6517 (Feb. 3, 2025); *Vincent v. Bondi*, 127 F.4th 1263, 1265 (10th Cir. 2025). Meanwhile, the Third, Fifth, and Sixth Circuits have held that defendants may assert as-applied Second Amendment challenges to § 922(g)(1). *See Range v. Att’y Gen. United States*, 124 F.4th 218, 224 (3d Cir. 2024) (en banc); *United States v. Diaz*, 116 F.4th 458, 472 (5th Cir. 2024), *pet’n for cert filed*, No. 24-6625 (Feb. 18, 2025); *United States v. Williams*, 113 F.4th 637, 657 (6th Cir. 2024).

d. Mr. Hill’s petition will argue that the Court should grant review to resolve this split because the issue presented is both recurring and important. Section 922(g)(1) is one of the most commonly charged offenses in federal court. Moreover, the lower courts have deeply divided, issuing competing analyses and decisions. If the Court were to step in, it could help resolve this issue and bring uniformity and clarity that is greatly needed.

3. There is good cause for the requested 30-day extension of time. Undersigned counsel, who is responsible for preparing the petition, has been delayed by work on other cases. Between March 6 and April 4, 2025, counsel filed opening briefs in ten cases involving the same issue presented in this case: whether § 922(g)(1) violates the Second Amendment. Counsel also filed the reply brief in *United States v. Taylor*, No. No. 24-4392 (4th Cir.) on March 21, and the opening brief in *United States v. Ebron*, No. 24-4552 (4th Cir.) on April 8. Moreover, counsel attended a statewide criminal defense conference for Federal Public Defender and Criminal Justice Act Attorneys on April 10-11, 2025.

In addition, counsel has upcoming deadlines in seven cases that will make filing the petition on time difficult. On April 18, 2025, the undersigned counsel has four briefs due in cases involving Second Amendment challenges to § 922(g)(1). Although counsel is filing similar briefs in each case, simply to preserve the issue, each case requires individual work, including unique fact sections, as well as individual joint appendices. In addition to those Second Amendment cases, undersigned counsel also has briefs due in cases with additional issues, including the opening brief in *United States v. Bland*, No. 25-4015 (4th Cir.), which is currently due on April 22; the opening brief in *United States v. Coleman*, No. 25-4002 (4th Cir.), which is currently due on April 25, and a reply brief in *United States v. Stokes*, No. 24-4515 (4th Cir.), which is currently due on May 1.

For the foregoing reasons, petitioner respectfully requests a 30-day extension

of time within which to file a petition for certiorari, to and including May 28, 2025.

Dated: April 16, 2025

Respectfully submitted,

s/ Salvatore Mancina
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