

No. _____

In the Supreme Court of the United States

CURTIS LEVAR WELLS JR.,

Applicant,

v.

JAVIER FUENTES, ET AL.,

RESPONDENTS.

**MR. WELLS' APPLICATION FOR AN EXTENSION
OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI**

Dated: May 16, 2025

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To the Honorable John G. Roberts, Jr., as Circuit Justice for the Fourth Circuit:

1. Pursuant to Supreme Court Rules 13.5 and 30.3, Applicant Curtis Levar Wells Jr. respectfully requests a 60-day extension of time to, and including, August 19, 2025, within which to file a petition for a writ of *certiorari*.

2. The United States Court of Appeals for the Fourth Circuit issued its Judgment and Order on January 22, 2025, affirming dismissal. Exhibit 1. The said Court then denied Applicant's timely petition for rehearing *en banc* in an order issued March 21, 2025. Exhibit 2. It is from said Order that Applicant will petition for *certiorari*. *Wells v. Fuentes*, 126 F.4th 882 (4th Cir. 2025). Without the requested extension, the petition would be due June 20, 2025.

3. The United States Court of Appeals for the Fourth Circuit's Judgment and Order dated January 22, 2025, affirmed the District Court's June 2, 2023, Judgment and Order granting Defendants' Motions to Dismiss and denying Plaintiff's Motion to Strike. Exhibit 3.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

5. This application is made more than 10 days before the deadline to file a petition for a writ of *certiorari*.

6. The Fourth Circuit's opinion contradicts this Court's holding and guidance regarding consent in *Schneckloth v. Bustamonte*, 412 U.S. 218, 227, 93 S. Ct. 2041, 2050 (1973) (“[I]t is only by analyzing all the circumstances of an individual consent that it can be ascertained whether in fact it was voluntary or coerced”). This Court's opinion in *Schneckloth*, and later cases, holds that consent can only be determined based upon the totality of the circumstances. *Id.*

7. The instant action concerns important and novel interpretations by the Fourth Circuit as to when a person consents to police searches and seizures that would otherwise violate

the Fourth Amendment and how to apply qualified immunity. The published opinion, now binding precedent in the Fourth Circuit, conflates mere participation in a conversation with police and singing a property retrieval form with consent. The Court failed to consider the totality of the circumstances to include the plain and clear context provided by an audio recording of the encounter that demonstrates there was no consent.

8. Furthermore, the Fourth Circuit’s opinion permits the officers to “take shelter” in the inventory-search exception. *Wells v. Fuentes*, 126 F.4th 882, 894 (4th Cir. 2025). The Opinion permits this shelter despite patent evidence that it was not done to protect from claims of theft or to protect the officers, despite patent evidence the officers failed, in almost every way, to comport with their policies, and despite patent evidence it was done as a mere ruse to rummage through personal property – ultimately, the officers found no evidence of any wrongdoing so they invented it, in part, by falsely reporting that Mr. Wells was in possession of a “handwritten list of chemical compounds that have potential to make the human body bulletproof or even invincible.” Brief of Appellant at 9, *Wells v. Fuentes*, No. 23-1638 (4th Cir. Oct. 30, 2023).

9. Justice Marshall provided learned guidance on the topic: “One of the few absolutes of our law is the requirement that, absent the presence of one of a few jealously and carefully drawn exceptions, a warrant be obtained prior to any search. [E]xcept in certain carefully defined classes of cases, a search of private property without proper consent is unreasonable [within the meaning of the Fourth Amendment] unless it has been authorized by a valid search warrant.” *United States v. Watson*, 423 U.S. 411, 444 (Marshall, J., dissenting) (1976) (cleaned up).

10. The Fourth Circuit’s *Wells v. Fuentes* opinion has contradicted its holding in *United States v. Robertson*, 736 F.3d 677, 679 (4th Cir. 2013) and creates a circuit split with,

inter alia, the 9th Circuit. See *United States v. Albrechtsen*, 151 F.3d 951, 952 (9th Cir. 1998).

11. Further, the Fourth Circuit erroneously held that Mr. Wells did not have a clearly established right to open carry his firearms on February 9, 2020. *Wells v. Fuentes*, 126 F.4th 882, 896 (4th Cir. 2025). The Court concluded, in contradiction to all pleadings and inventing facts for the first time, that, “[f]ew parking tickets become federal cases. This one was unlucky for Wells because of the arsenal he carried in his car. But with the car where it was, police had to tow it. Needing to tow it, they had to inventory it too. And wisely or not, Wells chose to leave its contents with the police.” *Id.* at 898.

12. In determining what said “arsenal” was in Mr. Wells’ possession, the Court listed lawfully-owned items such as rubber knives, commonly-owned tools and toys, items worn to play games of airsoft, common ammunition and magazines, two lawfully-owned firearms, and a lawful smoke-issuing device that the Court, and the police, misleadingly implied was a type of military grenade. *Wells v. Fuentes*, 126 F.4th 882, 886 (4th Cir. 2025). The Court, and the police, ignored the disclosed fact that Mr. Wells had trained with a Department of Homeland Security agent and others, for his own professional development in the force-protection industry. Brief of Appellant at 23, *Wells v. Fuentes*, No. 23-1638 (4th Cir. Oct. 30, 2023).

13. Finally, the Fourth Circuit’s precedent now holds that the qualified immunity analysis may import subjective observations of furtive gestures, may permit community caretaker exceptions for officers to conduct objectively-unreasonable criminal investigations without Fourth Amendment analysis, permits later officers to piggy-back onto earlier officers’ unreasonable and baseless investigations, and permits invented and unreasonable facts to be presented to magistrates to issue warrants absent probable cause.

14. Applicant respectfully requests a 60-day extension, to and including August 19,

2025, in consideration of limited means, in consideration of the workload and other demands of undersigned counsel, and in the interests of providing the appropriate development of the legally and factually complex briefing on the extremely important issues, both to Mr. Wells and in the hope to repair the Fourth Circuit's precedents, and the current circuit-splits and contradictions with this Court's holdings caused by the *Wells v. Fuentes* opinion, and thus to afford appropriate time to properly construct the forthcoming petition for a writ of *certiorari* to this Court.

Dated: May 16, 2025

Respectfully submitted,

/s/ Matthew A. Crist

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CERTIFICATE OF SERVICE

I hereby certify that on this date, May 16, 2025, the foregoing document was served on all Parties by First-Class Mail, postage prepaid, and by electronic mail.

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