

IN THE UNITED STATES SUPREME COURT

JAMES BYRD,	:	
Petitioner	:	
v.	:	NO. _____
UNITED STATES OF AMERICA, :		
Respondent		

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

Robert Epstein, Assistant Federal Defender, 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, or until September 2, 2025, (the thirtieth day, July 31, falls on a Saturday, and Monday, September 1 is a federal holiday) for filing a petition for writ of certiorari, and in support states:

1. James Byrd was charged in an indictment at Criminal Case No. 17-299 in the Western District of Pennsylvania with one count of possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2); one count of possession with intent to distribute quantities of mixtures and substances containing detectible amounts of cocaine, cocaine base, heroin, and marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 841(b)(1)(D); and one count of carrying a firearm during and in relation to a drug trafficking crime, and possession of a firearm in furtherance of said drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i).

2. Mr. Byrd proceeded to trial and was found guilty by a jury of these counts. He was sentenced on January 31, 2023, by the Honorable Cathy Bissoon to total term of life imprisonment. A term of supervised release of 3 years was also ordered as well as a special assessment. Mr. Byrd filed timely notice of appeal in this matter on January 31, 2023.

3. On March 5, 2025, the Court of Appeals for the Third Circuit affirmed the judgment of the district court and issued a not precedential opinion, submitted herewith as Appendix A. On May 2, 2025, the court denied a petition for panel rehearing and rehearing *en banc*. The denial of the petition is submitted herewith as Appendix B.

4. Counsel respectfully requests an extension of time as he has been occupied with other appeals to which he is assigned, including *United States v. Koren Jones*, Third Cir. No. 24-3185, opening brief and joint appendix due on July 18, 2025; *United States v. Tony Phillips*, Third Cir. No. 18-3781, petition for rehearing and rehearing *en banc* due on July 18, 2025; and *United States v. Anthony Jordan*, Eighth Cir. No. 25-2156, opening brief presently due on August 4, 2025.

5. Counsel respectfully requests an additional thirty (30) days, or until September 2, 2025, for preparation of a petition for writ of certiorari.

WHEREFORE, for all the foregoing reasons of good cause, Robert Epstein, Assistant Federal Defender, on behalf of the Federal Community Defender Office for the Eastern District of Pennsylvania, and on behalf of James Byrd, respectfully requests that this Court grant this application for a 30-day extension of time, or until September 2, 2025, for filing of the petition for writ of certiorari.

Respectfully submitted,

/s/ Robert Epstein
ROBERT EPSTEIN
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Robert Epstein, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I have electronically filed and served a copy of the *Application for Extension of Time for Filing Petition for Writ of Certiorari* upon Assistant United States Attorney Jonathan R. Bruno, by first class U.S. mail, postage prepaid, at the United States Attorney's Office, 700 Grant Street, Suite 4000, Pittsburgh, PA, 15219, and upon the Office of the Solicitor General, by first class U.S. mail, postage prepaid at the Department of Justice, Room 5614, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

/s/ Robert Epstein
ROBERT EPSTEIN

DATE: July 17, 2025