

No.

IN THE
Supreme Court of the United States

MALCOM ANWAR WILLIAMS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR A 45-DAY EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

Application to the Honorable Clarence Thomas,
as Circuit Justice for the Eleventh Circuit

Pursuant to Supreme Court Rule 13.5, Applicant Malcom Anwar Williams, hereby requests a 45-day extension of time, to and including June 20, 2025, within which to file a petition for a writ of certiorari.

1. The decision below is *United States of America v. Malcom Anwar Williams*, No. 24-12132 (11th Cir. 2025). The Eleventh Circuit issued its opinion on February 5, 2025. *See* App. A. Unless extended, Applicant's time to seek certiorari in this Court expires May 6, 2025. Applicant is filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). Respondent did not respond to multiple emails seeking its position on this extension request.

2. This case concerns whether a motion for compassionate release filed under 18 U.S.C. § 3582(c)(1)(A)(i) may be denied based solely on a defendant's criminal history and the seriousness of the underlying offense, without considering new evidence of rehabilitation. More specifically, this case presents the question of whether a court may deny a second or subsequent motion for compassionate release relying on the reasons stated in its prior decision (i.e., the defendant's criminal history and/or the seriousness of the underlying offense), which do not account for changed factual circumstances since the prior denial.

a. Applicant was convicted of Hobbs Act robbery in violation of 18 U.S.C. § 1951(a) in 2015 and sentenced to 151 months' imprisonment. App. A at 2. In August 2020, he filed a *pro se* motion to reduce his sentence, arguing that changes in the law since his initial sentencing warranted a sentence reduction. *Id.* at 4-5 n.3. The district court denied the motion, relying on Applicant's criminal history to find that he remained a danger to the community. *Id.* The Eleventh Circuit affirmed. *Id.* In June 2024, Applicant filed a *pro se* motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), citing not only post-sentencing changes to the law but also overwhelming evidence of rehabilitation as warranting his release. *Id.* at 4. The district court again denied the motion on the ground that Applicant would be a danger to the community if released, citing its prior decision. *Id.* at 4-6. The Eleventh Circuit again affirmed. *Id.* at 7. In so doing, the Eleventh Circuit expressly declined to follow Fourth Circuit precedent, invoked by Applicant, holding that where "a defendant provides evidence of post-sentencing rehabilitation, the district

court cannot merely rely on the defendant’s prior criminal behavior” to deny a motion for compassionate release but must provide some further “explanation as to why the defendant’s rehabilitation does not warrant a sentence reduction.” *Id.* at 5 n.4 (citing, *e.g.*, *United States v. Kibble*, 992 F.3d 326, 335 (4th Cir. 2021)).

b. The Eleventh Circuit’s decision declining to follow the Fourth Circuit on this issue deepened a recognized split among the courts of appeals. *Compare, e.g.*, *United States v. Navarro*, 986 F.3d 668, 672 (6th Cir. 2021) (the district court’s reliance on its “observations at the original sentencing proceeding” were sufficient to deny compassionate release); *with United States v. Handlon*, 53 F.4th 348, 353 (5th Cir. 2022) (“[A] court cannot deny a second or subsequent motion for compassionate release ‘for the reasons stated’ in a prior denial where the subsequent motion presents changed factual circumstances and it is not possible to discern from the earlier order what the district court thought about the relevant facts.”); *United States v. Martin*, 916 F.3d 389, 397 (4th Cir. 2019) (“a recitation of [the defendant’s] original criminal behavior” without recognizing “overwhelming evidence of rehabilitation” was insufficient to deny motion for compassionate release).

3. Good cause exists for a 45-day extension of time to file a petition for a writ of certiorari from the Eleventh Circuit’s decision.

a. Applicant, who is currently incarcerated, proceeded pro se in the district court and the Eleventh Circuit. Undersigned counsel has only recently been retained to represent Applicant in this matter, and was not involved at any stage of the court of appeals or district court litigation. Thus, additional time is necessary

for counsel to become fully familiar with the issues, the decision below, the decisions of other courts of appeals, the record, and otherwise relevant case law.

b. An extension is also justified by the press of business on numerous other pending matters. Among other things, undersigned counsel has a brief in opposition due April 15, 2025 in *Stitt v. Fowler*, No. 24-801 (S. Ct.); a reply brief due April 18, 2025 in *Johnson & Johnson v. Fortis Advisors*, No. 490,2024 (Del.); a response brief due May 30, 2025 in *Netlist, Inc. v. Samsung Electronics Co.*, No. 24-2304 (Fed. Cir.); a petition for a writ of certiorari in this Court due May 30, 2025 in *Miniso Depot CA, Inc. v. Yongtong Liu*, No. S287882 (Cal. S. Ct.); ongoing preparation for oral argument scheduled for June 11, 2025 in *Hunt v. PricewaterhouseCoopers LLP*, No. 24-3568 (9th Cir.); and ongoing responsibilities preparing for post-trial motions expected to be due soon in *Propel Fuels, Inc. v. Phillips 66 Company*, No. 22-cv-007197 (Cal. Super. Ct. Alameda Cnty.).

4. The requested 45-day extension would cause no prejudice to Respondent, who has not responded to emails sent April 9 and April 11 seeking its position on this extension request.

5. For the foregoing reasons, Applicant hereby requests that a 45-day extension of time be granted, up to and including June 20, 2025, within which to file a petition for certiorari.

Respectfully submitted,

/s/E. Joshua Rosenkranz

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