

**No.**

In the Supreme Court of the United States

MARK JOSEPH UHLENBROCK, *PETITIONER*,

v.

UNITED STATES OF AMERICA, *RESPONDENT*.

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**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR  
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE FIFTH CIRCUIT**

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Petitioner Mark Joseph Uhlenbrock requests a 60-day extension of time to file his petition for certiorari in this Court to and including June 27, 2025. *See* 28 U.S.C. § 2101(c); Sup. Ct. R. 13.5. The Fifth Circuit entered its judgment on December 31, 2024, and denied rehearing en banc on January 28, 2025. Petitioner's time to petition for certiorari in this Court expires April 28, 2025. This application is being filed more than 10 days before that date.

A copy of the opinion below, which is reported at 125 F.4th 217, is attached, as well as the order denying rehearing en banc. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

As shown by the opinion below, this case involves whether 18 U.S.C. § 2261A(2)(b), the federal “cyberstalking” statute that prohibits courses of conduct committed “with [an] intent to kill, injure, harass, intimidate” that “cause, attempt[] to cause, or would be reasonably expected to cause substantial emotional distress to a person” can be applied to public internet postings that were not directed towards a victim and that did not contain a true threat without violating the First Amendment. The court of appeals upheld petitioner’s conviction, finding that his postings constituted unprotected defamation. The factual basis for the court of appeal’s defamation finding was not elaborated at the trial-court level. Thus, petitioner’s case raises important issues concerning the scope of a fundamental right.

Petitioner’s matter involves a rapidly evolving area of the law. For example, *United States vs. Dennis* \_\_\_ F.4<sup>th</sup> \_\_\_ was decided on March 21, 2025, addressing issues surrounding the same statute of which petitioner was convicted. This recent decision may indicate a split in the Circuits that petitioner must thoroughly brief so that this Honorable Court has as full a picture of the current legal landscape as possible.

For these reasons, petitioner respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including June 27, 2025.

Respectfully submitted.

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this the April 17, 2025, have served a copy of the enclosed Application for Extension of Time to File a Petition for Writ of Certiorari on all parties required to be served by enclosing a copy of each in an envelope and delivering it to United States Postal Service for delivery within three calendar days to:

Solicitor General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue NW, Room 5614  
Washington, D.C. 20530

/s/ EDWARD FRANCIS SHAUGHNESSY III  
Edward Francis Shaughnessy III